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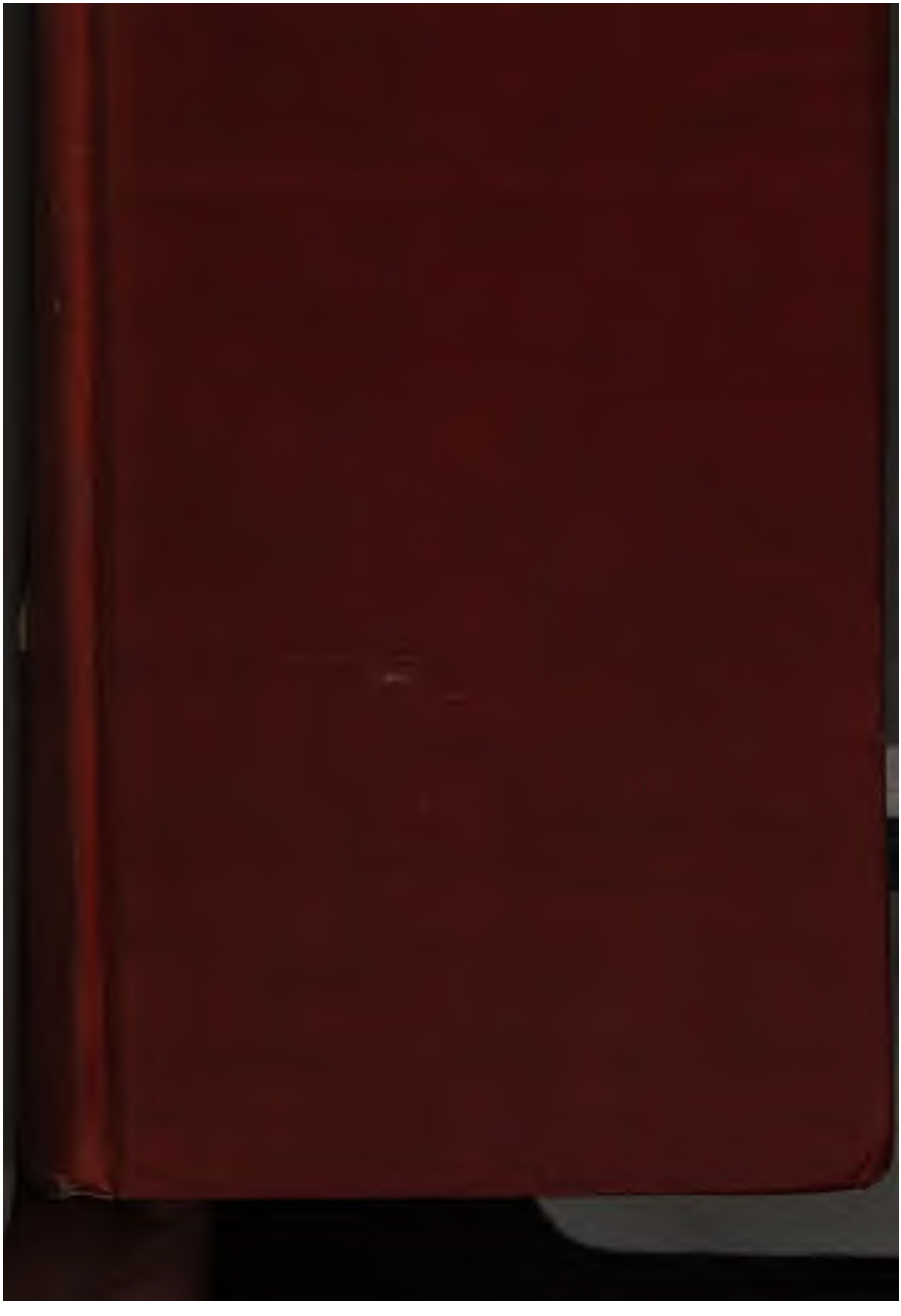

PRESENTED BY
RICHARD HUDSON
PROFESSOR OF HISTORY
1888-1911

UNIVERSITY OF MICHIGAN

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THE

MISCELLANEOUS WORKS

OF

SIR JAMES MACKINTOSH.

VOL. I.

LONDON:
A. and G. A. SPOTTISWOODE,
New-street-Square.

THE

MISCELLANEOUS WORKS

OF

THE RIGHT HONOURABLE

SIR JAMES MACKINTOSH.

NEW EDITION.

IN THREE VOLUMES.

VOL. I.

LONDON:
LONGMAN, BROWN, GREEN, AND LONGMANS.
1854.

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BY THE EDITOR.

THESE Volumes contain whatever (with the exception of his History of England) is believed to be of the most value in the writings of Sir James Mackintosh. Something of method, it will be observed, has been affected in their arrangement by commencing with what is more purely Philosophical, and proceeding through Literature to Politics; each of those heads being generally, though not quite precisely, referable to each volume respectively. With such selection would naturally have terminated his responsibility; but in committing again to the press matter originally for the most part hastily printed, the Editor has assumed—as the lesser of two evils—a larger exercise of discretion in the revision of the text than he could have wished to have felt had been imposed upon him. Instead, therefore, of continually arresting the eye of the reader by a notification of almost mechanical alterations, he has

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to premise here that where inaccuracies and redundancies of expression were obvious, these have been throughout corrected and retrenched. A few transpositions of the text have also been made;—as where, by the detachment of the eleventh chapter of what the present Editor on its original publication allowed to be called, perhaps too largely, the "History of the Revolution of 1688," a stricter chronological order has been observed, at the same time that the residue—losing thereby much of its fragmentary character—may now, it is hoped, fairly claim to be all that is assumed in its new designation. Of the contributions to periodical publications, such portions only find place here as partake most largely of the character of completeness. Some extended quotations, appearing for the most part as notes on former occasions, have been omitted, with a view to brevity, on the present; while, in addition to a general verification of the Author's references, a few explanatory notes have been appended, wherever apparently needful, by the Editor.

R. J. MACKINTOSH.

CONTENTS

OF

THE FIRST VOLUME.

Page

Dissertation on the Progress of Ethical Philosophy, chiefly during the Seventeenth and Eighteenth Centuries - - - - - - - - 1

On the Philosophical Genius of Lord Bacon and Mr. Locke - - - - - - - - 315

A Discourse on the Law of Nature and Nations - - 345

Life of Sir Thomas More - - - - 393

A Refutation of the Claim on behalf of King Charles I. to the Authorship of the ΕΙΚΩΝ ΒΑΣΙΛΙΚΗ - - 508

Memoir of the Affairs of Holland, 1667—1686 - - 543

DISSERTATION

ON THE PROGRESS OF

ETHICAL PHILOSOPHY,

CHIEFLY DURING THE

SEVENTEENTH AND EIGHTEENTH CENTURIES.

[Originally prefixed to the Seventh Edition of the Encyclopædia Britannica.]

CONTENTS.

	Page
INTRODUCTION	5
Section I. PRELIMINARY OBSERVATIONS	11
II. RETROSPECT OF ANCIENT ETHICS	19
III. RETROSPECT OF SCHOLASTIC ETHICS	36
IV. MODERN ETHICS	54
Grotius	54
Hobbes	57
Remarks	64
V. CONTROVERSIES CONCERNING THE MORAL FACULTIES AND THE SOCIAL AFFECTIONS	72
Cumberland	72
Cudworth	75
Clarke	81
Remarks	84
Shaftesbury	91
Fenelon—Bossuet	98
Leibnitz	103
Remarks	105
Malebranche	108
Edwards	110
Buffier	113
VI. FOUNDATIONS OF A MORE JUST THEORY OF ETHICS	114
Butler	115
Remarks	120
Hutcheson	126
Berkeley	131
Hume	136
Smith	149
Remarks	153
Price	158
Hartley	159
Tucker	177
Paley	182
Bentham	190
Stewart	213
Brown	231
VII. GENERAL REMARKS	244
NOTES AND ILLUSTRATIONS	282

INTRODUCTION.

THE inadequacy of the words of ordinary language for the purposes of Philosophy, is an ancient and frequent complaint; of which the justness will be felt by all who consider the state to which some of the most important arts would be reduced, if the coarse tools of the common labourer were the only instruments to be employed in the most delicate operations of manual expertness. The watchmaker, the optician, and the surgeon, are provided with instruments which are fitted, by careful ingenuity, to second their skill; the philosopher alone is doomed to use the rudest tools for the most refined purposes. He must reason in words of which the looseness and vagueness are suitable, and even agreeable, in the usual intercourse of life, but which are almost as remote from the extreme exactness and precision required, not only in the conveyance, but in the search of truth, as the hammer and the axe would be unfit for the finest exertions of skilful handiwork: for it is not to be forgotten, that he must himself think in these gross words as unavoidably as he uses them in speaking to others. He is in this respect in a worse condition than an astronomer who looked at the heavens only with the naked eye, whose limited and partial observation, however it might lead to error, might not directly, and would not necessarily, deceive. He might be more justly compared to an arithmetician compelled to employ numerals not only cumbrous, but used so irregularly to denote different quantities, that they not only often deceive others, but himself.

The natural philosopher and mathematician have in some degree the privilege of framing their own

terms of art; though that liberty is daily narrowed by the happy diffusion of these great branches of knowledge, which daily mixes their language with the general vocabulary of educated men. The cultivator of mental and moral philosophy can seldom do more than mend the faults of his words by definition;—a necessary, but very inadequate expedient, and one in a great measure defeated in practice by the unavoidably more frequent recurrence of the terms in their vague, than in their definite acceptation. The mind, to which such definition is faintly, and but occasionally, present, naturally suffers, in the ordinary state of attention, the scientific meaning to disappear from remembrance, and insensibly ascribes to the word a great part, if not the whole, of that popular sense which is so very much more familiar even to the most veteran speculator. The obstacles which stood in the way of Lucretius and Cicero, when they began to translate the subtile philosophy of Greece into their narrow and barren tongue, are always felt by the philosopher when he struggles to express, with the necessary discrimination, his abstruse reasonings in words which, though those of his own language, he must take from the mouths of those to whom his distinctions would be without meaning.

The moral philosopher is in this respect subject to peculiar difficulties. His statements and reasonings often call for nicer discriminations of language than those which are necessary in describing or discussing the purely intellectual part of human nature; but his freedom in the choice of words is more circumscribed. As he treats of matters on which all men are disposed to form a judgment, he can as rarely hazard glaring innovations in diction,—at least in an adult and mature language like ours,—as the orator or the poet. If he deviates from common use, he must atone for his deviation by hiding it, and can only give a new sense to an old word by so skilful a position of it as to render the new meaning so quickly understood that

its novelty is scarcely perceived. Add to this, that in those most difficult inquiries for which the utmost coolness is not more than sufficient, he is often forced to use terms commonly connected with warm feeling, with high praise, with severe reproach;—which excite the passions of his readers when he most needs their calm attention and the undisturbed exercise of their impartial judgment. There is scarcely a neutral term left in Ethics; so quickly are such expressions enlisted on the side of Praise or Blame, by the address of contending passions. A true philosopher must not even desire that men should less love Virtue, or hate Vice, in order to fit them for a more unprejudiced judgment on his speculations.

There are, perhaps, not many occasions where the penury and laxity of language are more felt than in entering on the history of sciences where the first measure must be to mark out the boundary of the whole subject with some distinctness. But no exactness in these important operations can be approached without a new division of human knowledge adapted to the present stage of its progress, and a reformation of all those barbarous, pedantic, unmeaning, and (what is worse) wrong-meaning names which continue to be applied to the greater part of its branches. Instances are needless where nearly all the appellations are faulty. The term "Metaphysics" affords a specimen of all the faults which the name of a science can combine. To those who know only their own language, it must, at their entrance on the study, convey no meaning: it points their attention to nothing. If they examine the language in which its parts are significant, they will be misled into the pernicious error of believing that it seeks something more than the interpretation of nature. It is only by examining the history of ancient philosophy that the probable origin of this name will be found, in its application, as the running title of several essays of Aristotle, placed in a collection of the manuscripts of that great philo-

sopher, after his treatise on Physics. It has the greater fault of an unsteady and fluctuating signification;—denoting one class of objects in the seventeenth century, and another in the eighteenth;—even in the nineteenth not quite of the same import in the mouth of a German, as in that of a French or English philosopher; to say nothing of the farther objection that it continues to be a badge of undue pretension among some of the followers of the science, while it has become a name of reproach and derision among those who altogether decry it. The modern name of the very modern science called "Political Economy," though deliberately bestowed on it by its most eminent teachers, is perhaps a still more notable sample of the like faults. It might lead the ignorant to confine it to retrenchment in national expenditure; and a consideration of its etymology alone would lead us into the more mischievous error of believing it to teach, that national wealth is best promoted by the contrivance and interference of lawgivers, in opposition to its surest doctrine, and the one which it most justly boasts of having discovered and enforced.

It is easy to conceive an exhaustive analysis of human knowledge, and a consequent division of it into parts corresponding to all the classes of objects to which it relates;—a representation of that vast edifice, containing a picture of what is finished, a sketch of what is building, and even a conjectural outline of what, though required by completeness and convenience, as well as symmetry, is yet altogether untouched. A system of names might also be imagined derived from a few roots, indicating the objects of each part, and showing the relation of the parts to each other. An order and a language somewhat resembling those by which the objects of the sciences of Botany and Chemistry have, in the eighteenth century, been arranged and denoted, are doubtless capable of application to the sciences generally, when considered as parts of the system of knowledge. The attempts,

however, which have hitherto been made to accomplish that analytical division of knowledge which must necessarily precede a new nomenclature of the sciences, have required so prodigious a superiority of genius in the single instance of approach to success by Bacon, as to discourage rivalship nearly as much as the frequent examples of failure in subsequent times could do. The nomenclature itself is attended with great difficulties, not indeed in its conception, but in its adoption and usefulness. In the Continental languages to the south of the Rhine, the practice of deriving the names of science from the Greek must be continued; which would render the new names for a while unintelligible to the majority of men. Even if successful in Germany, where a flexible and fertile language affords unbounded liberty of derivation and composition from native roots or elements, and where the newly-derived and compounded words would thus be as clear to the mind, and almost as little startling to the ear of every man, as the oldest terms in the language, yet the whole nomenclature would be unintelligible to other nations. But, the intercommunity of the technical terms of science in Europe having been so far broken down by the Germans, the influence of their literature and philosophy is so rapidly increasing in the greater part of the Continent, that though a revolution in scientific nomenclature be probably yet far distant, the foundation of it may be considered as already prepared.

Although so great an undertaking must be reserved for a second Bacon and a future generation, it is necessary for the historian of any branch of knowledge to introduce his work by some account of the limits and contents of the sciences of which he is about to trace the progress; and though it will be found impossible to trace throughout this treatise a distinct line of demarcation, yet a general and imperfect sketch of the boundaries of the whole, and of the parts, of our present subject, may be a considerable

help to the reader, as it has been a useful guide to the writer.

There is no distribution of the parts of knowledge more ancient than that of them into the physical and moral sciences, which seems liable to no other objection than that it does not exhaust the subject. Even this division, however, cannot be safely employed, without warning the reader that no science is entirely insulated, and that the principles of one are often only the conclusions and results of another. Every branch of knowledge has its root in the theory of the Understanding, from which even the mathematician must learn what can be known of his magnitude and his numbers; moral science is founded on that other—hitherto unnamed—part of the philosophy of human nature (to be constantly and vigilantly distinguished from *intellectual* philosophy), which contemplates the laws of sensibility, of emotion, of desire and aversion, of pleasure and pain, of happiness and misery; and on which arise the august and sacred landmarks that stand conspicuous along the frontier between Right and Wrong.

But however multiplied the connections of the moral and physical sciences are, it is not difficult to draw a general distinction between them. The purpose of the physical sciences throughout all their provinces, is to answer the question *What is?* They consist only of facts arranged according to their likeness, and expressed by general names given to every class of similar facts. The purpose of the moral sciences is to answer the question *What ought to be?* They aim at ascertaining the rules which *ought* to govern voluntary action, and to which those habitual dispositions of mind which are the source of voluntary actions *ought* to be adapted.

It is obvious that "will," "action," "habit," "disposition," are terms denoting facts in human nature, and that an explanation of them must be sought in mental philosophy, which, if knowledge be divided into

physical and moral, must be placed among physical sciences, though it essentially differs from them all in having for its chief object those laws of thought which alone render any other sort of knowledge possible. But it is equally certain that the word "ought" introduces the mind into a new region, to which nothing physical corresponds. However philosophers may deal with this most important of words, it is instantly understood by all who do not attempt to define it. No civilised speech, perhaps no human language, is without correspondent terms. It would be as reasonable to deny that "space" and "greenness" are significant words, as to affirm that "ought," "right," "duty," "virtue," are sounds without meaning. It would be fatal to an ethical theory that it did not explain them, and that it did not comprehend all the conceptions and emotions which they call up. There never yet was a theory which did not attempt such an explanation.

SECTION I.

PRELIMINARY OBSERVATIONS.

THERE is no man who, in a case where he was a calm bystander, would not look with more satisfaction on acts of kindness than on acts of cruelty. No man, after the first excitement of his mind has subsided, ever whispered to himself with self-approbation and secret joy that he had been guilty of cruelty or baseness. Every criminal is strongly impelled to hide these qualities of his actions from himself, as he would do from others, by clothing his conduct in some disguise of duty, or of necessity. There is no tribe so rude as to be without a faint perception of a difference between Right and Wrong. There is no subject on which men of all ages and nations coincide in

so many points as in the general rules of conduct, and in the qualities of the human character which deserve esteem. Even the grossest deviations from the general consent will appear, on close examination, to be not so much corruptions of moral feeling, as ignorance of facts; or errors with respect to the consequences of action; or cases in which the dissentient party is inconsistent with other parts of his own principles, which destroys the value of his dissent; or where each dissident is condemned by all the other dissidents, which immeasurably augments the majority against him. In the first three cases he may be convinced by argument that his moral judgment should be changed on principles which he recognises as just; and he can seldom, if ever, be condemned at the same time by the body of mankind who agree in their moral systems, and by those who on some other points dissent from that general code, without being also convicted of error by inconsistency with himself. The tribes who expose new-born infants, condemn those who abandon their decrepit parents to destruction: those who betray and murder strangers, are condemned by the rules of faith and humanity which they acknowledge in their intercourse with their countrymen. Mr. Hume, in a dialogue in which he ingeniously magnifies the moral heresies of two nations so polished as the Athenians and the French, has very satisfactorily resolved his own difficulties: — "In how many circumstances would an Athenian and a Frenchman of merit certainly resemble each other! — Humanity, fidelity, truth, justice, courage, temperance, constancy, dignity of mind." "The principles upon which men reason in Morals are always the same though the conclusions which they draw are often very different."* He might have added, that almost every deviation which he imputes to each nation is at variance with some of the virtues justly esteemed by

* Philosophical Works (Edinb. 1826), vol. iv. pp. 420. 422.

both, and that the reciprocal condemnation of each other's errors which appears in his statement entitles us, on these points, to strike out the suffrages of both when collecting the general judgment of mankind. If we bear in mind that the question relates to the coincidence of all men in considering the same qualities as virtues, and not to the preference of one class of virtues by some, and of a different class by others, the exceptions from the agreement of mankind, in their system of practical morality, will be reduced to absolute insignificance; and we shall learn to view them as no more affecting the harmony of our moral faculties, than the resemblance of our limbs and features is affected by monstrous conformations, or by the unfortunate effects of accident and disease in a very few individuals.*

It is very remarkable, however, that though all men agree that there are acts which ought to be done, and acts which ought not to be done; though the far greater part of mankind agree in their list of virtues and duties, of vices and crimes; and though the whole race, as it advances in other improvements, is as evidently tending towards the moral system of the most civilised nations, as children in their growth

* "On convient le plus souvent de ces instincts de la conscience. La plus grande et la plus saine partie du genre humain leur rend témoignage. Les Orientaux, et les Grecs, et les Romains conviennent en cela; et il faudroit être aussi abruti que les sauvages Américains pour approuver leurs coutumes, pleines d'une cruauté qui passe même celle des bêtes. *Cependant ces mêmes sauvages sentent bien ce que c'est que la justice en d'autres occasions;* et quoique il n'y ait point de mauvaise pratique peut-être qui ne soit autorisée quelque part, il y en a peu pourtant qui ne soient condamnées le plus souvent, et par la plus grande partie des hommes."—Leibnitz, Œuvres Philosophiques (Amst. et Leipz. 1765, 4to.), p. 49. There are some admirable observations on this subject in Hartley, especially in the development of the 49th Proposition:—"The rule of life drawn from the practice and opinions of mankind corrects and improves itself perpetually, till at last it determines entirely for virtue, and excludes all kinds and degrees of vice."—Observations on Man, vol. ii. p. 214.

tend to the opinions, as much as to the experience and strength, of adults; yet there are no questions in the circle of inquiry to which answers more various have been given than—How men have thus come to agree in the 'Rule of Life?' Whence arises their general reverence for it? and What is meant by affirming that it ought to be inviolably observed? It is singular, that where we are most nearly agreed respecting rules, we should perhaps most widely differ as to the *causes* of our agreement, and as to the *reasons* which justify us for adhering to it. The discussion of these subjects composes what is usually called the "Theory of Morals," in a sense not in all respects coincident with what is usually considered as theory in other sciences. When we investigate the *causes* of our moral agreement, the term "theory" retains its ordinary scientific sense; but when we endeavour to ascertain the *reasons* of it, we rather employ the term as importing the theory of the rules of an art. In the first case, "theory" denotes, as usual, the most general laws to which certain facts can be reduced; whereas, in the second, it points out the efficacy of the observance, in practice, of certain rules, for producing the effects intended to be produced in the art. These reasons also may be reduced under the general sense by stating the question relating to them thus:—What are the causes why the observance of certain rules enables us to execute certain purposes? An account of the various answers attempted to be made to these inquiries, properly forms the history of Ethics.

The attentive reader may already perceive, that these momentous inquiries relate to at least two perfectly distinct subjects:—1. The nature of the distinction between Right and Wrong in human conduct, and 2. The nature of those feelings with which Right and Wrong are contemplated by human beings. The latter constitutes what has been called the "*Theory of Moral Sentiments;*" the former consists in an investigation into the *criterion of Morality in action.* Other

most important questions arise in this province: but the two problems which have been just stated, and the essential distinction between them, must be clearly apprehended by all who are desirous of understanding the controversies which have prevailed on ethical subjects. The discrimination has seldom been made by moral philosophers; the difference between the two problems has never been uniformly observed by any of them: and it will appear, in the sequel, that they have been not rarely altogether confounded by very eminent men, to the destruction of all just conception and of all correct reasoning in this most important, and, perhaps, most difficult, of sciences.

It may therefore be allowable to deviate so far from historical order, as to illustrate the nature, and to prove the importance, of the distinction, by an example of the effects of neglecting it, taken from the recent works of justly-celebrated writers; in which they discuss questions much agitated in the present age, and therefore probably now familiar to most readers of this Dissertation.

Dr. Paley represents the principle of a Moral Sense as being opposed to that of Utility.* Now, it is evident that this representation is founded on a confusion of the two questions which have been stated above. That we are endued with a Moral Sense, or, in other words, a faculty which immediately approves what is right, and condemns what is wrong, is only a statement of the feelings with which we contemplate actions. But to affirm that right actions are those which conduce to the well-being of mankind, is a proposition concerning the outward effects by which right actions themselves may be recognised. As these affirmations relate to different subjects, they cannot be opposed to each other, any more than the solidity of earth is inconsistent with the fluidity of

* Principles of Moral and Political Philosophy. Compare book i. chap. v. with book ii. chap. vi.

water; and a very little reflection will show it to be easily conceivable that they may be both true. Man may be so constituted as instantaneously to approve certain actions without any reference to their consequences; and yet Reason may nevertheless discover, that a tendency to produce general happiness is the essential characteristic of such actions. Mr. Bentham also contrasts the principle of Utility with that of Sympathy, of which he considers the Moral Sense as being one of the forms.* It is needless to repeat, that propositions which affirm, or deny, anything of different subjects, cannot contradict each other. As these celebrated persons have thus inferred or implied the non-existence of a Moral Sense, from their opinion that the morality of actions depends upon their usefulness, so other philosophers of equal name have concluded, that the utility of actions cannot be the criterion of their morality, because a perception of that utility appears to them to form a faint and inconsiderable part of our Moral Sentiments,—if indeed it be at all discoverable in them.† These errors are the more remarkable, because the like confusion of perceptions with their objects, of emotions with their causes, or even the omission to mark the distinctions, would in every other subject be felt to be a most serious fault in philosophising. If, for instance, an element were discovered to be common to all bodies which our taste perceives to be sweet, and to be found in no other bodies, it is apparent that this discovery, perhaps important in other respects, would neither affect our perception of sweetness, nor the pleasure which attends it: both would continue to

* Introduction to the Principles of Morality and Legislation, chap. ii.

† Smith, Theory of Moral Sentiments, part iv. Even Hume, in the third book of his Treatise of Human Nature, the most precise, perhaps, of his philosophical writings, uses the following as the title of one of the sections: "*Moral Distinctions, derived from a Moral Sense*"

be what they have been since the existence of mankind. Every proposition concerning that element would relate to sweet bodies, and belong to the science of Chemistry; while every proposition respecting the perception or pleasure of sweetness would relate either to the body or mind of man, and accordingly belong either to the science of Physiology, or to that of mental philosophy. During the many ages which passed before the analysis of the sun's beams had proved them to be compounded of different colours, white objects were seen, and their whiteness was sometimes felt to be beautiful, in the very same manner as since that discovery. The qualities of light are the object of Optics; the nature of beauty can be ascertained only by each man's observation of his own mind; the changes in the living frame which succeed the refraction of light in the eye, and precede mental operation, will, if they are ever to be known by man, constitute a part of Physiology. But no proposition relating to one of these orders of phenomena can contradict or support a proposition concerning another order.

The analogy of this latter case will justify another preliminary observation. In the case of the pleasure derived from beauty, the question whether that pleasure be original, or derived, is of secondary importance. It has been often observed that the same properties which are admired as beautiful in the horse, contribute also to his safety and speed; and they who infer that the admiration of beauty was originally founded on the convenience of fleetness and firmness, if they at the same time hold that the idea of usefulness is gradually effaced, and that the admiration of a certain shape at length rises instantaneously without reference to any purpose, may, with perfect consistency, regard a sense of beauty as an independent and universal principle of human nature. The laws of such a feeling of beauty are discoverable only by self-observation: those of the qualities which call it forth

are ascertained by examination of the outward things which are called beautiful. But it is of the utmost importance to bear in mind, that he who contemplates the beautiful proportions of a horse, as the signs and proofs of security or quickness, and has in view these convenient qualities, is properly said to prefer the horse for his usefulness, not for his beauty; though he may choose him from the same outward appearance which pleases the admirer of the beautiful animal. He alone who derives immediate pleasure from the appearance itself, without reflection on any advantages which it may promise, is truly said to feel the beauty. The distinction, however, manifestly depends, not on the origin of the emotion, but on its object and nature when completely formed. Many of our most important perceptions through the eye are universally acknowledged to be acquired: but they are as general as the original perceptions of that organ; they arise as independently of our will, and human nature would be quite as imperfect without them. The case of an adult who did not immediately see the different distances of objects from his eye, would be thought by every one to be as great a deviation from the ordinary state of man, as if he were incapable of distinguishing the brightest sunshine from the darkest midnight. Acquired perceptions and sentiments may therefore be termed natural, as much as those which are more commonly so called, if they be as rarely found wanting. Ethical theories can never be satisfactorily discussed by those who do not constantly bear in mind, that the question concerning the existence of a moral faculty in man which immediately approves or disapproves without reference to any farther object, is perfectly distinct, on the one hand, from that which inquires into the qualities of actions, thus approved or disapproved; and, on the other, from an inquiry whether that faculty be derived from other parts of our mental frame, or be itself one of the ultimate constituent principles of human nature.

SECTION II.

RETROSPECT OF ANCIENT ETHICS.

INQUIRIES concerning the nature of Mind, the first principles of Knowledge, the origin and government of the world, appear to have been among the earliest objects which employed the understanding of civilised men. Fragments of such speculation are handed down from the legendary age of Greek philosophy. In the remaining monuments of that more ancient form of civilisation which sprung up in Asia, we see clearly that the Brahminical philosophers, in times perhaps before the dawn of Western history, had run round that dark and little circle of systems which an unquenchable thirst of knowledge has since urged both the speculators of ancient Greece and those of Christendom to retrace. The wall of adamant which bounds human inquiry in that direction has scarcely ever been discovered by any adventurer, until he has been roused by the shock which drove him back. It is otherwise with the theory of Morals. No controversy seems to have arisen regarding it in Greece, till the rise and conflict of the Stoical and Epicurean schools; and the ethical disputes of the modern world originated with the writings of Hobbes about the middle of the seventeenth century. Perhaps the longer abstinence from debate on this subject may have sprung from reverence for Morality. Perhaps, also, where the world were unanimous in their practical opinions, little need was felt of exact theory. The teachers of Morals were content with partial or secondary principles, — with the combination of principles not always reconcileable, — even with vague but specious phrases which in any degree explained or seemed to explain the Rules of the Art of Life, appearing, as these last did, at once too evident to need investigation, and too venerable to be approached by controversy.

Perhaps the subtile genius of Greece was in part withheld from indulging itself in ethical controversy by the influence of Socrates, who was much more a teacher of virtue than even a searcher after Truth—

> Whom, well inspired, the oracle pronounced
> Wisest of men.

It was doubtless because he chose that better part that he was thus spoken of by the man whose commendation is glory, and who, from the loftiest eminence of moral genius ever reached by a mortal, was perhaps alone worthy to place a new crown on the brow of the martyr of Virtue.

Aristippus indeed, a wit and a worldling, borrowed nothing from the conversations of Socrates but a few maxims for husbanding the enjoyments of sense. Antisthenes also, a hearer but not a follower, founded a school of parade and exaggeration, which caused his master to disown him by the ingenious rebuke,—"I see your vanity through your threadbare cloak."* The modest doubts of the most sober of moralists, and his indisposition to fruitless abstractions, were in process of time employed as the foundation of systematic scepticism;—the most presumptuous, inapplicable, and inconsistent of all the results of human meditation. But though his lessons were thus distorted by the perverse ingenuity of some who heard him, the authority of his practical sense may be traced in the moral writings of those most celebrated philosophers who were directly or indirectly his disciples.

Plato, the most famous of his scholars, the most eloquent of Grecian writers, and the earliest moral philosopher whose writings have come down to us, employed his genius in the composition of dialogues, in which his master performed the principal part. These beautiful conversations would have lost their charm of verisimilitude, of dramatic vivacity, and of

* Diog. Laert. lib. vi. Ælian, lib. ix. cap. 35.

picturesque representation of character, if they had been subjected to the constraint of method. They necessarily presuppose much oral instruction. They frequently quote, and doubtless oftener allude to, the opinions of predecessors and contemporaries whose works have perished, and of whose doctrines only some fragments are preserved. In these circumstances, it must be difficult for the most learned and philosophical of his commentators to give a just representation of his doctrines, even if he really framed or adopted a system. The moral part of his works is more accessible.* The vein of thought which runs through them is always visible. The object is to inspire the love of Truth, of Wisdom, of Beauty, especially of Goodness—the highest Beauty, and of that Supreme and Eternal Mind, which contains all Truth and Wisdom, all Beauty and Goodness. By the love or delightful contemplation and pursuit of these transcendant aims for their own sake only, he represented the mind of man as raised from low and perishable objects, and prepared for those high destinies which are appointed for all those who are capable of enjoying them. The application to moral qualities of terms which denote outward beauty, though by him perhaps carried to excess, is an illustrative metaphor, as well warranted by the poverty of language as any other employed to signify the acts or attributes of Mind.† The "beau-

* Heyse, Init. Phil. Plat. 1827;—a hitherto incomplete work of great perspicuity and elegance, in which we must excuse the partiality which belongs to a labour of love.

† The most probable etymology of "καλός" seems to be from κάω, to burn. What burns commonly shines. "Schön," in German, which means beautiful, is derived from "scheinen," to shine. The word καλός was used for right, so early as the Homeric Poems. Ιλ. xvii. 19. In the philosophical age it became a technical term, with little other remains of the metaphorical sense than what the genius and art of a fine writer might sometimes rekindle. "Honestum," the term by which Cicero translates

tiful," in his language, denoted all that of which the mere contemplation is in itself delightful, without any admixture of organic pleasure, and without being regarded as the means of attaining any farther end. The feeling which belongs to it he called "love;" a word which, as comprehending complacency, benevolence, and affection, and reaching from the neighbourhood of the senses to the most sublime of human thoughts, is foreign to the colder and more exact language of our philosophy; but which, perhaps, then happily served to lure both the lovers of Poetry, and the votaries of Superstition, to the school of Truth and Goodness in the groves of the Academy. He enforced these lessons by an inexhaustible variety of just and beautiful illustrations,—sometimes striking from their familiarity, sometimes subduing by their grandeur; and his works are the storehouse from which moralists have from age to age borrowed the means of rendering moral instruction easier and more delightful. Virtue he represented as the harmony of the whole soul;—as a peace between all its principles and desires, assigning to each as much space as they can occupy, without encroaching on each other;—as a state of perfect health, in which every function was performed with ease, pleasure, and vigour;—as a well-ordered commonwealth, where the obedient passions executed with energy the laws and commands of Reason. The vicious mind presented the odious character, sometimes of discord, of war;—sometimes of disease;—always of passions warring with each other in eternal anarchy. Consistent with himself, and at peace with his fellows, the good man felt in the quiet of his conscience a foretaste of the approbation of God. "Oh, what ardent love would virtue inspire if she could be seen." "If the heart of a tyrant could be laid bare,

the "καλόν," being derived from outward honours, is a less happy metaphor. In our language, the terms, being from foreign roots, contribute nothing to illustrate the progress of thought.

we should see how it was cut and torn by its own evil passions and by an avenging conscience."*

Perhaps in every one of these illustrations, an eye trained in the history of Ethics may discover the germ of the whole or of a part of some subsequent theory. But to examine it thus would not be to look at it with the eye of Plato. His aim was as practical as that of Socrates. He employed every topic, without regard to its place in a system, or even always to its argumentative force, which could attract the small portion of the community then accessible to cultivation; who, it should not be forgotten, had no moral instructor but the Philosopher, unaided, if not thwarted, by the reigning superstition: for Religion had not then, besides her own discoveries, brought down the most awful and the most beautiful forms of Moral Truth to the humblest station in human society.†

Ethics retained her sober spirit in the hands of his great scholar and rival Aristotle, who, though he certainly surpassed all men in acute distinction, in subtile argument, in severe method, in the power of analysing

* Let it not be forgotten, that for this terrible description, Socrates, to whom it is ascribed by Plato (Πολ. I.), is called "Præstantissimus sapientiæ," by a writer of the most masculine understanding, the least subject to be transported by enthusiasm. —Tac. Ann. lib. vi. cap. 6. "Quæ vulnera!" says Cicero, in alluding to the same passage.—De Off. lib. iii. cap. 21.

† There can hardly be a finer example of Plato's practical morals than his observations on the treatment of slaves. "Genuine humanity and real probity," says he, "are brought to the test, by the behaviour of a man to slaves, whom he may wrong with impunity." *Διάδηλος γὰρ ὁ φύσει καὶ μὴ πλαστῶς σέβων τὴν δίκην, μισῶν δὲ ὄντως τὸ ἄδικον ἐν τούτοις τῶν ἀνθρώπων ἐν οἷς αὐτῷ ῥᾴδιον ἀδικεῖν.* —Νομ. lib. vi. cap. 19. That Plato was considered as the fountain of ancient morals, would be sufficiently evident from Cicero alone: "Ex hoc igitur Platonis, quasi quodam sancto augustoque fonte, nostra omnis manabit oratio."—Tusc. Quæst. lib. v. cap. 12. Perhaps the sober Quintilian meant to mingle some censure with the highest praise: "Plato, qui eloquendi facultate divinâ quâdam et Homericâ, multum supra prosam orationem surgit."—De Inst. Orat. lib. x. cap. 1.

what is most compounded, and of reducing to simple principles the most various and unlike appearances, yet appears to be still more raised above his fellows by the prodigious faculty of laying aside these extraordinary endowments whenever his present purpose required it;—as in his History of Animals, in his treatises on philosophical criticism, and in his practical writings, political as well as moral. Contrasted as his genius was to that of Plato, not only by its logical and metaphysical attributes, but by the regard to experience and observation of Nature which, in him perhaps alone, accompanied them; (though the two may be considered as the original representatives of the two antagonist tendencies of philosophy — that which would ennoble man, and that which seeks rather to explain nature;) yet opposite as they are in other respects, the master and the scholar combine to guard the Rule of Life against the licentious irruptions of the Sophists.

In Ethics alone their systems differed more in words than in things.* That happiness consisted in virtuous pleasure, chiefly dependent on the state of mind, but not unaffected by outward agents, was the doctrine of both. Both would with Socrates have called happiness "unrepented pleasure." Neither distinguished the two elements which they represented as constituting the Supreme Good from each other; partly, perhaps, from a fear of appearing to separate them. Plato more habitually considered happiness as the natural fruit of Virtue; Aristotle oftener viewed Virtue as the means of attaining happiness. The celebrated doctrine of the Peripatetics, which placed

* "Una et consentiens duobus vocabulis philosophiæ forma instituta est, Academicorum et Peripateticorum; qui rebus congruentes nominibus differebant." — Cic. Acad. Quæst. lib. i. cap. 4. Βούλεται (Αριστοτελης) διττὸν εἶναι τὸν κατὰ φιλοσοφίαν λόγον· τὸν μὲν πρακτικόν, τὸν δὲ θεωρητικόν. καὶ τοῦ πρακτικοῦ, τόν τε ἠθικὸν καὶ πολιτικόν· τοῦ δὲ θεωρητικοῦ, τόν τε φυσικὸν, καὶ λογικόν.—Diog. Laert. lib. v. § 28.

all virtues in a medium between opposite vices, was probably suggested by the Platonic representation of its necessity to keep up harmony between the different parts of our nature. The perfection of a compound machine is attained where all its parts have the fullest scope for action. Where one is so far exerted as to repress others, there is a vice of excess: where any one has less activity than it might exert without disturbing others, there is a vice of defect. The point which all reach without collision with each other, is the mediocrity in which the Peripatetics placed Virtue.

It was not till near a century after the death of Plato that Ethics became the scene of philosophical contest between the adverse schools of Epicurus and Zeno; whose errors afford an instructive example, that in the formation of a theory, partial truth is equivalent to absolute falsehood. As the astronomer who left either the centripetal or the centrifugal force of the planets out of his view, would err as completely as he who excluded both, so the Epicureans and Stoics, who each confined themselves to real but not exclusive principles in Morals, departed as widely from the truth as if they had adopted no part of it. Every partial theory is indeed directly false, inasmuch as it ascribes to one or few causes what is produced by more. As the extreme opinions of one, if not of both, of these schools have been often revived with variations and refinements in modern times, and are still not without influence on ethical systems, it may be allowable to make some observations on this earliest of moral controversies.

"All other virtues," said Epicurus, "grow from prudence, which teaches that we cannot live pleasurably without living justly and virtuously, nor live justly and virtuously without living pleasurably." * The illustration of this sentence formed the whole

* Diog. Laert. lib. x. § 132.

moral discipline of Epicurus. To him we owe the general concurrence of reflecting men in succeeding times, in the important truth that men cannot be happy without a virtuous frame of mind and course of life; a truth of inestimable value, not peculiar to the Epicureans, but placed by their exaggerations in a stronger light;—a truth, it must be added, of less importance as a motive to right conduct than as completing Moral Theory, which, however, it is very far from solely constituting. With that truth the Epicureans blended another position, which indeed is contained in the first words of the above statement; namely, that because Virtue promotes happiness, every act of virtue must be done in order to promote the happiness of the agent. They and their modern followers tacitly assume, that the latter position is the consequence of the former; as if it were an inference from the necessity of food to life, that the fear of death should be substituted for the appetite of hunger as a motive for eating. "Friendship," says Epicurus, "is to be pursued by the wise man only for its usefulness, but he will begin; as he sows the field in order to reap."* It is obvious, that if these words be confined to outward benefits, they may be sometimes true, but never can be pertinent; for outward acts sometimes show kindness, but never compose it. If they be applied to kind feeling, they would indeed be pertinent, but they would be evidently and totally false; for it is most certain that no man acquires an affection merely from his belief that it would be agreeable or advantageous to feel it. Kindness cannot indeed be pursued on account of the pleasure which belongs to it; for man can no more know the pleasure till he has felt the affection, than

* Τὴν φιλιαν διὰ τῆς χρειας.—Diog. Laert. lib. x. § 120. "Hic est locus," Gassendi confesses, "ob quem Epicurus non parum vexatur, quando nemo non reprehendit, parari amicitiam non sui, sed utilitatis gratiâ."

he can form an idea of colour without the sense of sight. The moral character of Epicurus was excellent; no man more enjoyed the pleasure, or better performed the duties, of friendship. The letter of his system was no more indulgent to vice than that of any other moralist.* Although, therefore, he has the merit of having more strongly inculcated the connection of Virtue with happiness, perhaps by the faulty excess of treating it as an exclusive principle; yet his doctrine was justly charged with indisposing the mind to those exalted and generous sentiments, without which no pure, elevated, bold, generous, or tender virtues can exist.†

As Epicurus represented the *tendency* of Virtue, which is a most important truth in ethical theory, as the sole inducement to virtuous practice; so Zeno, in his disposition towards the opposite extreme, was inclined to consider the moral sentiments, which are the motives of right conduct, as being the sole principles of moral science. The confusion was equally great in a philosophical view, but that of Epicurus was more fatal to interests of higher importance than those of Philosophy. Had the Stoics been content with affirming that Virtue is the source of all that part of our happiness which depends on ourselves, they would have taken a position from which it would have been impossible to drive them; they would have laid down a principle of as great comprehension in practice as their wider pretensions; a simple and incontrovertible truth, beyond which everything is an object of

* It is due to him to observe, that he treated humanity towards slaves as one of the characteristics of a wise man. *Οὔτε κολάσειν οἰκέτας, ἐλεήσειν μέν τοι, καὶ συγγνώμην τινὶ ἕξειν τῶν σπουδαίων.* —Diog. Laert. lib. x. § 118. It is not unworthy of remark, that neither Plato nor Epicurus thought it necessary to abstain from these topics in a city full of slaves, many of whom were men not destitute of knowledge.

† "Nil generosum, nil magnificum sapit."—De Fin. lib. i. cap. 7.

mere curiosity to man. Our information, however, about the opinions of the more celebrated Stoics is very scanty. None of their own writings are preserved. We know little of them but from Cicero, the translator of Grecian philosophy, and from the Greek compilers of a later age; authorities which would be imperfect in the history of facts, but which are of far less value in the history of opinions, where a right conception often depends upon the minutest distinctions between words. We know that Zeno was more simple, and that Chrysippus, who was accounted the prop of the Stoic Porch, abounded more in subtile distinction and systematic spirit.* His power was attested as much by the antagonists whom he called forth, as by the scholars whom he formed. "Had there been no Chrysippus, there would have been no Carneades," was the saying of the latter philosopher himself; as it might have been said in the eighteenth century, "Had there been no Hume, there would have been no Kant and no Reid." Cleanthes, when one of his followers would pay court to him by laying vices to the charge of his most formidable opponent, Arcesilaus the academic, answered with a justice and candour unhappily too rare, "Silence, — do not malign him; — though he attacks Virtue by his arguments, he confirms its authority by his life." Arcesilaus, whether modestly or churlishly, replied, "I do not choose to be flattered." Cleanthes, with a superiority of repartee, as well as charity, replied, "Is it flattery to say that you speak one thing and do another?" It would be vain to expect that the fragments of the professors who lectured in the Stoic School for five hundred years, should be capable of being moulded into one consistent system; and we

* "Chrysippus, qui fulcire putatur porticum Stoicorum."— Acad. Quæst. lib. ii. cap. 24. Elsewhere (De Orat. lib. i. cap. 12.— De Fin. lib. iv. cap. 3.), "Acutissimus, sed in scribendo exilis et jejunus, scripsit rhetoricam seu potiùs obmutescendi artem;" — nearly as we should speak of a Schoolman.

see that, in Epictetus at least, the exaggeration of the sect was lowered to the level of Reason, by confining the sufficiency of Virtue to those cases only where happiness is attainable by our voluntary acts. It ought to be added, in extenuation of a noble error, that the power of habit and character to struggle against outward evils has been proved by experience to be in some instances so prodigious, that no man can presume to fix the utmost limit of its possible increase.

The attempt, however, of the Stoics to stretch the bounds of their system beyond the limits of Nature, doomed them to fluctuate between a wild fanaticism on the one hand, and, on the other, concessions which left their differences from other philosophers purely verbal. Many of their doctrines appear to be modifications of their original opinions, introduced as opposition became more formidable. In this manner they were driven to the necessity of admitting that the objects of our desires and appetites are worthy of preference, though they are denied to be constituents of happiness. It was thus that they were obliged to invent a double morality; one for mankind at large, from whom was expected no more than the καθήκον, —which seems principally to have denoted acts of duty done from inferior or mixed motives; and the other (which they appear to have hoped from their ideal wise man) κατόρθωμα, or perfect observance of rectitude, —which consisted only in moral acts done from mere reverence for Morality, unaided by any feelings; all which (without the exception of pity) they classed among the enemies of Reason and the disturbers of the human soul. Thus did they shrink from their proudest paradoxes into verbal evasions. It is remarkable that men so acute did not perceive and acknowledge, that if pain were not an evil, cruelty would not be a vice; and that, if patience were of power to render torture indifferent, Virtue must expire in the moment of victory. There can be

no more triumph, when there is no enemy left to conquer.*

The influence of men's opinions on the conduct of their lives is checked and modified by so many causes; it so much depends on the strength of conviction, on its habitual combination with feelings, on the concurrence or resistance of interest, passion, example, and sympathy, — that a wise man is not the most forward in attempting to determine the power of its single operation over human actions. In the case of an individual it becomes altogether uncertain. But when the experiment is made on a large scale, when it is long continued and varied in its circumstances, and especially when great bodies of men are for ages the subject of it, we cannot reasonably reject the consideration of the inferences to which it appears to lead. The Roman Patriciate, trained in the conquest and government of the civilised world, in spite of the tyrannical vices which sprung from that training, were raised by the greatness of their objects to an elevation of genius and character unmatched by any other aristocracy, ere the period when, after preserving their power by a long course of wise compromise with the people, they were betrayed by the army and the populace into the hands of a single tyrant of their own order — the most accomplished of usurpers, and, if Humanity and Justice could for a moment be silenced, one of the most illustrious of men. There is no scene in history so memorable as that in which Cæsar mastered a nobility of which Lucullus and Hortensius, Sulpicius and Catulus, Pompey and Cicero, Brutus and Cato, were members. This renowned body had, from the time of Scipio, sought the Greek philosophy as an amusement or an ornament. Some few, "in thought more elevate," caught the love of Truth,

* "Patience, sovereign o'er transmuted ill." But as soon as the ill was really "transmuted" into good, it is evident that there was no longer any scope left for the exercise of patience.

and were ambitious of discovering a solid foundation for the Rule of Life. The influence of the Grecian systems was tried, during the five centuries between Carneades and Constantine, by their effect on a body of men of the utmost originality, energy, and variety of character, in their successive positions of rulers of the world, and of slaves under the best and under the worst of uncontrolled masters. If we had found this influence perfectly uniform, we should have justly suspected our own love of system of having in part bestowed that appearance on it. Had there been no trace of such an influence discoverable in so great an experiment, we must have acquiesced in the paradox, that opinion does not at all affect conduct. The result is the more satisfactory, because it appears to illustrate general tendency without excluding very remarkable exceptions. Though Cassius was an Epicurean, the true representative of that school was the accomplished, prudent, friendly, good-natured time-server Atticus, the pliant slave of every tyrant, who could kiss the hand of Antony, imbrued as it was in the blood of Cicero. The pure school of Plato sent forth Marcus Brutus, the signal humanity of whose life was both necessary and sufficient to prove that his daring breach of venerable rules flowed only from that dire necessity which left no other means of upholding the most sacred principles. The Roman orator, though in speculative questions he embraced that mitigated doubt which allowed most ease and freedom to his genius, yet, in those moral writings where his heart was most deeply interested, followed the severest sect of Philosophy, and became almost a Stoic. If any conclusion may be hazarded from this trial of systems, — the greatest which History has recorded, — we must not refuse our decided, though not undistinguishing, preference to that noble school which preserved great souls untainted at the court of dissolute and ferocious tyrants; which exalted the slave of one of Nero's courtiers to be a moral teacher of aftertimes; — which

for the first, and hitherto for the only time, breathed philosophy and justice into those rules of law which govern the ordinary concerns of every man; and which, above all, has contributed, by the examples of Marcus Portius Cato and of Marcus Aurelius Antoninus, to raise the dignity of our species, to keep alive a more ardent love of Virtue, and a more awful sense of duty throughout all generations.*

The result of this short review of the practical philosophy of Greece seems to be, that though it was rich in rules for the conduct of life, and in exhibitions of the beauty of Virtue, and though it contains glimpses of just theory and fragments of perhaps every moral truth, yet it did not leave behind any precise and coherent system; unless we except that of Epicurus, who purchased consistency, method, and perspicuity too dearly, by sacrificing Truth, and by narrowing and lowering his views of human nature, so as to enfeeble, if not extinguish, all the vigorous motives to arduous virtue. It is remarkable, that while of the eight professors who taught in the Porch, from Zeno to Posidonius, every one either softened or exaggerated the doctrines of his predecessor; and while the beautiful and reverend philosophy of Plato had, in his own Academy, degenerated into a scepticism which did not spare Morality itself, the system of Epicurus remained without change; and his disciples continued for ages to show personal honours to his memory, in a manner which may seem unaccountable among those who were taught to measure propriety by a calculation of palpable and outward usefulness. This steady adherence is in part doubtless attributable to the portion of

* Of all testimonies to the character of the Stoics, perhaps the most decisive is the speech of the vile sycophant Capito, in the mock impeachment of Thrasea Pætus, before a senate of slaves: "Ut quondam C. Cæsarem et M. Catonem, ita nunc te, Nero, et Thraseam, avida discordiarum civitas loquitur . . . . Ista secta Tuberones et Favonios, veteri quoque reipublicæ ingrata nomina, genuit."—Tacit. Ann. lib. xvi. cap. 22. See Appendix, Note A.

truth which the doctrine contains; in some degree perhaps to the amiable and unboastful character of Epicurus; not a little, it may be, to the dishonour of deserting an unpopular cause; but probably most of all to that mental indolence which disposes the mind to rest in a simple system, comprehended at a glance, and easily falling in, both with ordinary maxims of discretion, and with the vulgar commonplaces of satire on human nature.* When all instruction was conveyed by lectures, and when one master taught the whole circle of the sciences in one school, it was natural that the attachment of pupils to a professor should be more devoted than when, as in our times, he can teach only a small portion of a Knowledge spreading towards infinity, and even in his own little province finds a rival in every good writer who has treated the same subject. The superior attachment of the Epicureans to their master is not without some parallel among the followers of similar principles in our own age, who have also revived some part of that indifference to eloquence and poetry which may be imputed to the habit of contemplating all things in relation to happiness, and to (what seems its uniform effect) the egregious miscalculation which leaves a multitude of mental pleasures out of the account. It may be said, indeed, that the Epicurean doctrine has continued with little change to the present day; at least it is certain that no other ancient doctrine has proved so capable of being restored in the same form among the moderns: and it may be added, that Hobbes and Gassendi, as well as some of our own contemporaries, are as confident in their opinions, and as in-

* The progress of commonplace satire on sexes or professions, and (he might have added) on nations, has been exquisitely touched by Gray in his Remarks on Lydgate; a fragment containing passages as finely thought and written as any in English prose. General satire on mankind is still more absurd; for no invective can be so unreasonable as that which is founded on falling short of an ideal standard.

tolerant of scepticism, as the old Epicureans. The resemblance of modern to ancient opinions, concerning some of those questions upon which ethical controversy must always hinge, may be a sufficient excuse for a retrospect of the Greek morals, which, it is hoped, will simplify and shorten subsequent observation on those more recent disputes which form the proper subject of this discourse.

The genius of Greece fell with Liberty. The Grecian philosophy received its mortal wound in the contests between scepticism and dogmatism which occupied the Schools in the age of Cicero. The Sceptics could only perplex, and confute, and destroy. Their occupation was gone as soon as they succeeded. They had nothing to substitute for what they overthrew; and they rendered their own art of no further use. They were no more than venomous animals, who stung their victims to death, but also breathed their last into the wound.

A third age of Grecian literature indeed arose at Alexandria, under the Macedonian kings of Egypt; laudably distinguished by exposition, criticism, and imitation (sometimes abused for the purposes of literary forgery), and still more honoured by some learned and highly-cultivated poets, as well as by diligent cultivators of History and Science; among whom a few began, about the first preaching of Christianity, to turn their minds once more to that high Philosophy which seeks for the fundamental principles of human knowledge. Philo, a learned and philosophical Hebrew, one of the flourishing colony of his nation established in that city, endeavoured to reconcile the Platonic philosophy with the Mosaic Law and the Sacred Books of the Old Testament. About the end of the second century, when the Christians, Hebrews, Pagans, and various other sects of semi- or pseudo-Christian Gnostics appear to have studied in the same schools, the almost inevitable tendency of doctrines, however discordant, in such circumstances to amalgamate, produced its full effect under Ammonius Saccas,

a celebrated professor, who, by selection from the Greek systems, the Hebrew books, and the Oriental religions, and by some concession to the rising spirit of Christianity, of which the Gnostics had set the example, composed a very mixed system, commonly designated as the Eclectic philosophy. The controversies between his contemporaries and followers, especially those of Clement and Origen, the victorious champions of Christianity, with Plotinus and Porphyry, who endeavoured to preserve Paganism by clothing it in a disguise of philosophical Theism, are, from the effects towards which they contributed, the most memorable in the history of human opinion.* But their connection with modern Ethics is too faint to warrant any observation in this place, on the imperfect and partial memorials of them which have reached us. The death of Boethius in the West, and the closing of the Athenian Schools by Justinian, may be considered as the last events in the history of ancient philosophy.†

* The change attempted by Julian, Porphyry, and their friends, by which Theism would have become the popular Religion, may be estimated by the memorable passage of Tacitus on the Theism of the Jews. In the midst of all the obloquy and opprobrium with which he loads that people, his tone suddenly rises, when he comes to contemplate them as the only nation who paid religious honours to the Supreme and Eternal Mind alone, and his style swells at the sight of so sublime and wonderful a scene. "Summum *illud* et æternum, neque mutabile, neque interiturum." Hist. lib. v. cap. 5.

† The punishment of death was inflicted on Pagans by a law of Constantius. "Volumus cunctos sacrificiis abstinere: si aliquid hujusmodi perpetraverint, gladio ultore sternantur." Cod. Just. lib. i. tit. xi. 'de Paganis.' From the authorities cited by Gibbon (note, chap. xi.), as well as from some research, it should seem that the edict for the suppression of the Athenian schools was not admitted into the vast collection of laws enacted or systematised by Justinian.

SECTION III.

RETROSPECT OF SCHOLASTIC ETHICS.

An interval of a thousand years elapsed between the close of ancient and the rise of modern philosophy; the most unexplored, yet not the least instructive portion of the history of European opinion. In that period the sources of the institutions, the manners, and the characteristic distinctions of modern nations, have been traced by a series of philosophical inquirers from Montesquieu to Hallam; and there also, it may be added, more than among the Ancients, are the well-springs of our speculative doctrines and controversies. Far from being inactive, the human mind, during that period of exaggerated darkness, produced discoveries in Science, inventions in Art, and contrivances in Government, some of which, perhaps, were rather favoured than hindered by the disorders of society, and by the twilight in which men and things were seen. Had Boethius, the last of the ancients, foreseen, that within four centuries of his death, in the province of Britain, then a prey to all the horrors of barbaric invasion, a chief of one of the fiercest tribes of barbarians * should translate into the jargon of his freebooters the work on The Consolations of Philosophy, of which the composition had soothed the cruel imprisonment of the philosophic Roman himself, he must, even amidst his sufferings, have derived some gratification from such an assurance of the recovery of mankind from ferocity and ignorance. But had he been allowed to revisit the earth in the middle of the sixteenth century, with what wonder and delight might he have contemplated the new and fairer order which was beginning to disclose its beauty, and to promise more than it revealed. He

* King Alfred.

would have seen personal slavery nearly extinguished, and women, first released from Oriental imprisonment by the Greeks, and raised to a higher dignity among the Romans *, at length fast approaching to due equality; — two revolutions the most signal and beneficial since the dawn of civilisation. He would have seen the discovery of gunpowder, which for ever guarded civilised society against barbarians, while it transferred military strength from the few to the many; of paper and printing, which rendered a second destruction of the repositories of knowledge impossible, as well as opened a way by which it was to be finally accessible to all mankind; of the compass, by means of which navigation had ascertained the form of the planet, and laid open a new continent, more extensive than his world. If he had turned to civil institutions, he might have learned that some nations had preserved an ancient, simple, and seemingly rude mode of legal proceeding, which threw into the hands of the majority of men a far larger share of judicial power, than was enjoyed by them in any ancient democracy. He would have seen everywhere the remains of that principle of representation, the glory of the Teutonic race, by which popular government, anciently imprisoned in cities, became capable of being strengthened by its extension over vast countries, to which experience cannot even now assign any limits; and which, in times still distant, was to exhibit, in the newly-discovered Continent, a republican confederacy, likely to surpass the Mace-

* The steps of this important progress, as far as relates to Athens and Rome, are well remarked upon by one of the finest of the Roman writers. "Quem enim Romanorum pudet uxorem ducere in convivium? aut cujus materfamilias non primum locum tenet ædium, atque in celebritate versatur? quod multo fit aliter in Græciâ: nam neque in convivium adhibetur, nisi propinquorum; neque sedet nisi in interiore parte ædium, quæ *Gynæconitis* appellatur, quo nemo accedit, nisi propinquâ cognatione conjunctus." Corn. Nep. in Præfat.

donian and Roman empires in extent, greatness, and duration, but gloriously founded on the equal rights, not like them on the universal subjection, of mankind. In one respect, indeed, he might have lamented that the race of man had made a really retrograde movement; that they had lost the liberty of philosophising; that the open exercise of their highest faculties was interdicted. But he might also have perceived that this giant evil had received a mortal wound from Luther, who in his warfare against Rome had struck a blow against all human authority, and unconsciously disclosed to mankind that they were entitled, or rather bound, to form and utter their own opinions, and that most certainly on whatever subjects are the most deeply interesting; for although this most fruitful of moral truths was not yet so released from its combination with the wars and passions of the age as to assume a distinct and visible form, its action was already discoverable in the divisions among the Reformers, and in the fears and struggles of civil and ecclesiastical oppressors. The Council of Trent, and the Courts of Paris, Madrid, and Rome, had before that time foreboded the emancipation of Reason.

Though the middle age be chiefly memorable as that in which the foundations of a new order of society were laid, uniting the stability of the Oriental system, without its inflexibility, to the activity of the Hellenic civilisation, without its disorder and inconstancy; yet it is not unworthy of notice by us here, on account of the subterranean current which flows through it, from the speculations of ancient to those of modern times. That dark stream must be uncovered before the history of the European Understanding can be thoroughly comprehended. It was lawful for the emancipators of Reason in their first struggles to carry on mortal war against the Schoolmen. The necessity has long ceased; they are no longer dangerous; and it is now felt by philosophers that it is time to explore and estimate that vast por-

tion of the history of Philosophy from which we have scornfully turned our eyes.* A few sentences only can be allotted to the subject in this place. In the very depths of the Middle Age, the darkness of Christendom was faintly broken by a few thinly-scattered lights. Even then, Moses Ben Maimon taught philosophy among the persecuted Hebrews, whose ancient schools had never perhaps been wholly interrupted; and a series of distinguished Mahometans, among whom two are known to us by the names of Avicenna and Averroes, translated the Peripatetic writings into their own language, expounded their doctrines in no servile spirit to their followers, and enabled the European Christians to make those versions of them from Arabic into Latin, which in the eleventh and twelfth centuries gave birth to the scholastic philosophy.

The Schoolmen were properly theologians, who employed philosophy only to define and support that system of Christian belief which they and their contemporaries had embraced. The founder of that theological system was Aurelius Augustinus† (called by us Augustin), Bishop of Hippo, in the province of Africa; a man of great genius and ardent character, who adopted, at different periods of his life, the most

* Tennemann, Geschichte der Philosophie. Cousin, Cours de Philosophie, Paris, 1828. My esteem for this last admirable writer encourages me to say, that the beauty of his diction has sometimes the same effect on his thoughts that a sunny haze produces on outward objects; and to submit to his serious consideration, whether the allurements of Schelling's system have not betrayed him into a too frequent forgetfulness that principles, equally adapted to all phenomena, furnish in speculation no possible test of their truth, and lead, in practice, to total indifference and inactivity respecting human affairs. I quote with pleasure an excellent observation from this work: "Le moyen âge n'est pas autre chose que la formation pénible, lente et sanglante, de tous les élémens de la civilisation moderne; je dis la formation, et non leur développement." (2nd Lecture, p. 27.)

† See Note B.

various, but at all times the most decisive and systematic, as well as daring and extreme opinions. This extraordinary man became, after some struggles, the chief Doctor, and for ages almost the sole oracle, of the Latin Church. It happened by a singular accident, that the Schoolmen of the twelfth century, who adopted his theology, instead of borrowing their defensive weapons from Plato, the favourite of their master, had recourse for the exposition and maintenance of their doctrines to the writings of Aristotle, the least pious of philosophical theists. The Augustinian doctrines of original sin, predestination, and grace, little known to the earlier Christian writers, who appear indeed to have adopted opposite and milder opinions, were espoused by Augustin himself in his old age; when, by a violent swing from his youthful Manicheism, which divided the sovereignty of the world between two adverse beings, he did not shrink, in his pious solicitude for tracing the power of God in all events, from presenting the most mysterious parts of the moral government of the Universe, in their darkest colours and their sternest shape, as articles of faith, the objects of the habitual meditation and practical assent of mankind. The principles of his rigorous system, though not with all their legitimate consequences, were taught in the schools; respectfully promulgated rather than much inculcated by the Western Church (for in the East these opinions seem to have been unknown); scarcely perhaps distinctly assented to by the majority of the clergy; and seldom heard of by laymen till the systematic genius and fervid eloquence of Calvin rendered them a popular creed in the most devout and moral portion of the Christian world. Anselm*, the Piedmontese Archbishop of Canterbury, was the earliest reviver of the Augustinian opinions. Aquinas† was their most redoubted champion. To

* Born, 1033; died, 1109.

† Born, 1224; died, 1274. See Note C.

them, however, the latter joined others of a different spirit. Faith, according to him, was a virtue, not in the sense in which it denotes the things believed, but in that in which it signifies the state of mind which leads to right Belief. Goodness he regarded as the moving principle of the Divine Government; Justice, as a modification of Goodness; and, with all his zeal to magnify the Sovereignty of God, he yet taught, that though God always wills what is just, nothing is just solely because He wills it. Scotus*, the most subtile of doctors, recoils from the Augustinian rigour, though he rather intimates than avows his doubts. He was assailed for his tendency towards the Pelagian or Anti-Augustinian doctrines by many opponents, of whom the most famous in his own time was Thomas Bradwardine†, Archbishop of Canterbury, formerly confessor of Edward III., whose defence of Predestination was among the most noted works of that age. He revived the principles of the ancient philosophers, who, from Plato to Marcus Aurelius, taught that error of judgment, being involuntary, is not the proper subject of moral disapprobation; which indeed is implied in Aquinas's account of Faith.‡ But he appears to have been the first whose language inclined towards

* Born about 1265; died at Cologne (where his grave is still shown) in 1308. Whether he was a native of Dunston in Northumberland, or of Dunse in Berwickshire, or of Down in Ireland, was a question long and warmly contested, but which seems to be settled by his biographer, Luke Wadding, who quotes a passage of Scotus's Commentary on Aristotle's Metaphysics, where he illustrates his author thus: "As in the definition of St. Francis, or St. Patrick, man is necessarily presupposed." Scot. Op. i. 3. As Scotus was a Franciscan, the mention of St. Patrick seems to show that he was an Irishman. See Note D.

† Born about 1290; died in 1349; the contemporary of Chaucer, and probably a fellow-student of Wicliffe and Roger Bacon. His principal work was entitled, 'De Causâ Dei contra Pelagium, et de Virtute Causarum, Libri tres.'

‡ See Note E.

that most pernicious of moral heresies, which represents Morality to be founded on Will.*

William of Ockham, the most justly celebrated of English Schoolmen, went so far beyond this inclination of his master, as to affirm, that "if God had commanded his creatures to hate Himself, the hatred of God would ever be the duty of man;" — a monstrous hyperbole, into which he was perhaps betrayed by his denial of the doctrine of general ideas, the pre-existence of which in the Eternal Intellect was commonly regarded as the foundation of the immutable nature of Morality. This doctrine of Ockham, which by necessary implication refuses moral attributes to the Deity, and contradicts the existence of a moral government, is practically equivalent to atheism.† As all devotional feelings have moral qualities for their sole object; as no being can inspire love or reverence otherwise than by those qualities which are naturally amiable or venerable, this doctrine would, if men were consistent, extinguish piety, or, in other words, annihilate Religion. Yet so astonishing are the contradictions of human nature, that this most impious of all opinions probably originated in a pious solicitude to magnify the Sovereignty of God, and to exalt His authority even above His own goodness. Hence we may understand its adoption by John Gerson, the oracle of the Council of Constance, and the great opponent of the spiritual monarchy of the Pope, — a pious mystic, who placed religion in devout feeling.‡ In further explanation, it may be added, that Gerson was of the sect of the Nominalists, of which Ockham was the founder, and that he was the more ready to

* See Note F.

† A passage to this effect, from Ockham, with nearly the same remark, has, since the text was written, been discovered on a re-perusal of Cudworth's Immutable Morality, p. 10.

‡ "Remitto ad quod Occam de hâc materiâ in Lib. Sentent. dicit, in quâ explicatione si rudis judicetur, nescio quid appellabitur subtilitas." De Vitâ Spirit. Op. iii. 14.

follow his master, because they both courageously maintained the independence of the State on the Church, and the authority of the Church over the Pope. The general opinion of the schools was, however, that of Aquinas, who, from the native soundness of his own understanding, as well as from the excellent example of Aristotle, was averse from all rash and extreme dogmas on questions which had any relation, however distant, to the duties of life.

It is very remarkable, though hitherto unobserved, that Aquinas anticipated those controversies respecting perfect disinterestedness in the religious affections which occupied the most illustrious members of his communion* four hundred years after his death; and that he discussed the like question respecting the other affections of human nature with a fulness and clearness, an exactness of distinction, and a justness of determination, scarcely surpassed by the most acute of modern philosophers.† It ought to be added that, according to the most natural and reasonable construction of his words, he allowed to the Church a control only over spiritual concerns, and recognised the supremacy of the civil powers in all temporal affairs.‡

It has already been stated that the scholastic system was a collection of dialectical subtilties, contrived for the support of the corrupted Christianity of that age, by a succession of divines, whose extraordinary powers of distinction and reasoning were morbidly enlarged in the long meditation of the Cloister, by the exclusion of every other pursuit, and the consequent palsy of

* Bossuet and Fenelon.

† See Aquinas. — "Utrum Deus sit super omnia diligendus ex caritate." — "Utrum in dilectione Dei possit haberi respectus ad aliquam mercedem." Opera, ix. 322, 325. Some illustrations of this memorable anticipation, which has escaped the research even of the industrious Tennemann, will be found in the Note G.

‡ See Note H.

every other faculty;—who were cut off from all the materials on which the mind can operate, and doomed for ever to toil in defence of what they must never dare to examine;—to whom their age and their condition denied the means of acquiring literature, of observing Nature, or of studying mankind. The few in whom any portion of imagination and sensibility survived this discipline, retired from the noise of debate, to the contemplation of pure and beautiful visions. They were called Mystics. The greater part, driven back on themselves, had no better employment than to weave cobwebs out of the terms of art which they had vainly, though ingeniously, multiplied. The institution of clerical celibacy, originating in an enthusiastic pursuit of Purity, promoted by a mistake in moral prudence, which aimed at raising religious teachers in the esteem of their fellows, and at concentrating their whole minds on professional duties, at last encouraged by the ambitious policy of the See of Rome, which was desirous of detaching them from all ties but her own, had the effect of shutting up all the avenues which Providence has opened for the entrance of social affection and virtuous feeling into the human heart. Though this institution perhaps prevented Knowledge from becoming once more the exclusive inheritance of a sacerdotal caste; though the rise of innumerable laymen, of the lowest condition, to the highest dignities of the Church, was the grand democratical principle of the Middle Age, and one of the most powerful agents in impelling mankind towards a better order; yet celibacy must be considered as one of the peculiar infelicities of these secluded philosophers; not only as it abridged their happiness, nor even solely, though chiefly, as it excluded them from the school in which the heart is humanised, but also (an inferior consideration, but more pertinent to our present purpose) because the extinction of these moral feelings was as much a subtraction from the moralist's store of facts

and means of knowledge, as the loss of sight or of touch could prove to those of the naturalist.

Neither let it be thought that to have been destitute of Letters was to them no more than a want of an ornament and a curtailment of gratification. Every poem, every history, every oration, every picture, every statue, is an experiment on human feeling,—the grand object of investigation by the moralist. Every work of genius in every department of ingenious Art and polite Literature, in proportion to the extent and duration of its sway over the Spirits of men, is a repository of ethical facts, of which the moral philosopher cannot be deprived by his own insensibility, or by the iniquity of the times, without being robbed of the most precious instruments and invaluable materials of his science. Moreover, Letters, which are closer to human feeling than Science can ever be, have another influence on the sentiments with which the sciences are viewed, on the activity with which they are pursued, on the safety with which they are preserved, and even on the mode and spirit in which they are cultivated: they are the channels by which ethical science has a constant intercourse with general feeling. As the arts called useful maintain the popular honour of physical knowledge, so polite Letters allure the world into the neighbourhood of the sciences of Mind and of Morals. Whenever the agreeable vehicles of Literature do not convey their doctrines to the public, they are liable to be interrupted by the dispersion of a handful of recluse doctors, and the overthrow of their barren and unlamented seminaries. Nor is this all: these sciences themselves suffer as much when they are thus released from the curb of common sense and natural feeling, as the public loses by the want of those aids to right practice which moral knowledge in its sound state is qualified to afford. The necessity of being intelligible, at least to all persons who join superior understanding to habits of reflection, and who are themselves in constant communication with

the far wider circle of intelligent and judicious men, which slowly but surely forms general opinion, is the only effectual check on the natural proneness of metaphysical speculations to degenerate into gaudy dreams or a mere war of words. The disputants who are set free from the wholesome check of sense and feeling, generally carry their dogmatism so far as to rouse the sceptic, who from time to time is provoked to look into the flimsiness of their cobwebs, and rushes in with his besom to sweep them, and their systems, into oblivion. It is true that Literature, which thus draws forth Moral Science from the schools into the world, and recals her from thorny distinctions to her natural alliance with the intellect and sentiments of mankind, may, in ages and nations otherwise situated, produce the contrary evil of rendering Ethics shallow, declamatory, and inconsistent. Europe at this moment affords, in different countries, specimens of these opposite and alike mischievous extremes. But we are now concerned only with the temptations and errors of the scholastic age.

We ought not so much to wonder at the mistakes of men so situated, as that they, without the restraints of the general understanding, and with the clogs of system and establishment, should in so many instances have opened questions untouched by the more unfettered Ancients, and veins of speculation since mistakenly supposed to have been first explored in more modern times. Scarcely any metaphysical controversy agitated among recent philosophers was unknown to the Schoolmen, unless we except that which relates to Liberty and Necessity, and this would be an exception of doubtful propriety; for the disposition to it is clearly discoverable in the disputes of the Thomists and Scotists respecting the Augustinian and Pelagian doctrines *, although they were restrained from the avowal of legitimate consequences on either side by the

* See Note I.

theological authority which both parties acknowledged. The Scotists steadily affirmed the blamelessness of erroneous opinion; a principle which is the only effectual security for conscientious inquiry, for mutual kindness, and for public quiet. The controversy between the Nominalists and Realists, treated by some modern writers as an example of barbarous wrangling, was in truth an anticipation of that modern dispute which still divides metaphysicians,—Whether the human mind can form general ideas, or Whether the words which are supposed to convey such ideas be not terms, representing only a number of particular perceptions?—questions so far from frivolous, that they deeply concern both the nature of reasoning and the structure of language; on which Hobbes, Berkeley, Hume, Stewart, and Tooke, have followed the Nominalists; and Descartes, Locke, Reid, and Kant, have, with various modifications and some inconsistencies, adopted the doctrine of the Realists.* With the Schoolmen appears to have originated the form, though not the substance, of the celebrated maxim, which, whether true or false, is pregnant with systems, —"There is nothing in the Understanding which was not before in the Senses." Ockham † the Nominalist first denied the Peripatetic doctrine of the existence of certain species (since the time of Descartes called "ideas") as the direct objects of perception and thought, interposed between the mind and outward

* Locke speaks on this subject inconsistently; Reid calls himself a conceptualist; Kant uses terms so different, that he ought perhaps to be considered as of neither party. Leibnitz, varying in some measure from the general spirit of his speculations, warmly panegyrises the Nominalists: "Secta Nominalium, omnium inter scholasticos profundissima, et hodiernæ reformatæ philosophandi rationi congruentissima." Op. iv. 59.

† "Maximi vir ingenii, et eruditionis pro illo ævo summæ, Wilhelmus Occam, Anglus." Ib. 60. The writings of Ockham, which are very rare, I have never seen. I owe my knowledge of them to Tennemann, who however quotes the words of Ockham, and of his disciple Biel.

objects; the modern opposition to which by Dr. Reid has been supposed to justify the allotment of so high a station to that respectable philosopher. He taught also that we know nothing of Mind but its acts, of which we are conscious. More inclination towards an independent philosophy is to be traced among the Schoolmen than might be expected from their circumstances. Those who follow two guides will sometimes choose for themselves, and may prefer the subordinate one on some occasions. Aristotle rivalled the Church; and the Church herself safely allowed considerable latitude to the philosophical reasonings of those who were only heard or read in colleges or cloisters, on condition that they neither impugned her authority, nor dissented from her worship, nor departed from the language of her creeds. The Nominalists were a free-thinking sect, who, notwithstanding their defence of kings against the Court of Rome, were persecuted by the civil power. It should not be forgotten that Luther was a Nominalist.*

If not more remarkable, it is more pertinent to our purpose, that the ethical system of the Schoolmen, or, to speak more properly, of Aquinas, as the Moral Master of Christendom for three centuries, was in its practical part so excellent as to leave little need of extensive change, with the inevitable exception of the connection of his religious opinions with his precepts and counsels. His Rule of Life is neither lax nor impracticable. His grounds of duty are solely laid in the nature of man, and in the wellbeing of society. Such an intruder as Subtilty seldom strays into his moral instructions. With a most imperfect knowledge of the Peripatetic writings, he came near the Great Master, by abstaining, in practical philosophy, from

* "In Martini Lutheri scriptis prioribus amor Nominalium satis elucet, donec procedente tempore erga omnes monachos æqualiter affectus esse cœpit." Ib.

the unsuitable exercise of that faculty of distinction, in which he would probably have shown that he was little inferior to Aristotle, if he had been equally unrestrained. His very frequent coincidence with modern moralists is doubtless to be ascribed chiefly to the nature of the subject; but in part also to that unbroken succession of teachers and writers, which preserved the observations contained in what had been long the text-book of the European Schools, after the books themselves had been for ages banished and forgotten. The praises bestowed on Aquinas by every one of the few great men who appear to have examined his writings since the downfal of his power, among whom may be mentioned Erasmus, Grotius, and Leibnitz, are chiefly, though not solely, referable to his ethical works.*

Though the Schoolmen had thus anticipated many modern controversies of a properly metaphysical sort, they left untouched most of those questions of ethical theory which were unknown to, or neglected by, the Ancients. They do not appear to have discriminated between the nature of moral sentiments, and the criterion of moral acts; to have considered to what faculty of our mind moral approbation is referable; or to have inquired whether our Moral Faculty, whatever it may be, is implanted or acquired. Those who measure only by palpable results, have very consistently regarded the metaphysical and theological controversies of the Schools as a mere waste of intellectual power. But the contemplation of the athletic vigour and versatile skill manifested by the European understanding, at the moment when it emerged from this tedious and rugged discipline, leads, if not to approbation, yet to more qualified censure. What might have been the result of a different combination of circumstances, is an inquiry which, on a large scale,

* See especially the excellent Preface of Leibnitz to Nizolius, § 37. Ib. 59.

is beyond human power. We may, however, venture to say that no abstract science, unconnected with Religion, was likely to be respected in a barbarous age; and we may be allowed to doubt whether any knowledge dependent directly on experience and applicable to immediate practice, would have so trained the European mind as to qualify it for that series of inventions, and discoveries, and institutions which begins with the sixteenth century, and of which no end can now be foreseen but the extinction of the race of man.

The fifteenth century was occupied by the disputes of the Realists with the Nominalists, in which the scholastic doctrine expired. After its close no Schoolman of note appeared. The sixteenth may be considered as the age of transition from the scholastic to the modern philosophy. The former, indeed, retained possession of the Universities, and was long after distinguished by all the ensigns of authority. But the mines were already prepared; the revolution in Opinion had commenced. The moral writings of the preceding times had generally been commentaries on that part of the Summa Theologiæ of Aquinas which relates to Ethics. Though these still continued to be published, yet the most remarkable moralists of the sixteenth century indicated the approach of other modes of thinking, by the adoption of the more independent titles of "Treatises on Justice" and "Law." These titles were suggested, and the spirit, contents, and style of the writings themselves were materially affected by the improved cultivation of the Roman law, by the renewed study of ancient literature, and by the revival of various systems of Greek philosophy, now studied in the original, which at once mitigated and rivalled the scholastic doctors, and while they rendered Philosophy more free, re-opened its communications with society and affairs. The speculative theology which had arisen under the French governments of Paris and London in the twelfth century,

which flourished in the thirteenth in Italy in the hands of Aquinas, which was advanced in the British Islands by Scotus and Ockham in the fourteenth, was in the sixteenth, with unabated acuteness, but with a clearness and elegance unknown before the restoration of Letters, cultivated by Spain, in that age the most powerful and magnificent of the European nations.

Many of these writers treated the law of war and the practice of hostilities in a juridical form.* Francis Victoria, who began to teach at Valladolid in 1525, is said to have first expounded the doctrines of the Schools in the language of the age of Leo the Tenth. Dominic Soto†, a Dominican, the confessor of Charles V., and the oracle of the Council of Trent, to whom that assembly were indebted for much of the precision and even elegance for which their doctrinal decrees are not unjustly commended, dedicated his Treatise on Justice and Law to Don Carlos, in terms of praise which, used by a writer who is said to have declined the high dignities of the Church, lead us to hope that he was unacquainted with the brutish vices of that wretched prince. It is a concise and not inelegant compound of the Scholastic Ethics, which continued

* Many of the separate dissertations, on points of this nature, are contained in the immense collection entitled "Tractatus Tractatuum," published at Venice in 1584, under the patronage of the Roman see. There are three De Bello; one by Lupus of Segovia when Francis I. was prisoner in Spain; another, more celebrated, by Francis Arias, who, on the 11th June 1532, discussed before the College of Cardinals the legitimacy of a war by the Emperor against the Pope. There are two De Pace; and others De Potestate Regiâ, De Pœnâ Mortis, &c. The most ancient and scholastic is that of J. de Lignano of Milan De Bello. The above writers are mentioned in the prolegomena to Grotius, De Jure Belli. Pietro Belloni, Counsellor of the Duke of Savoy (De Re Militari), treats his subject with the minuteness of a Judge-Advocate, and has more modern examples, chiefly Italian, than Grotius.

† Born, 1494; died, 1560. Antonii Bib. Hisp. Nov. The opinion of the extent of Soto's knowledge entertained by his contemporaries is expressed in a jingle, *Qui scit Sotum scit totum.*

to be of considerable authority for more than a century.* Both he and his master Victoria deserve to be had in everlasting remembrance, for the part which they took on behalf of the natives of America and of Africa, against the rapacity and cruelty of the Spaniards. Victoria pronounced war against the Americans for their vices, or for their paganism, to be unjust.† Soto was the authority chiefly consulted by Charles V., on occasion of the conference held before him at Valladolid, in 1542, between Sepulveda, an advocate of the Spanish colonists, and Las Casas, the champion of the unhappy Americans, of which the result was a very imperfect edict of reformation in 1543. This, though it contained little more than a recognition of the principle of justice, almost excited a rebellion in Mexico. Sepulveda, a scholar and a reasoner, advanced many maxims which were specious and in themselves reasonable, but which practically tended to defeat even the scanty and almost illusive reform which ensued. Las Casas was a passionate missionary, whose zeal, kindled by the long and near contemplation of cruelty, prompted him to exaggerations of fact and argument ‡; yet, with all its errors, it afforded the only hope of preserving the natives of America from extirpation. The opinion of Soto could not fail to be conformable to his excellent principle, that "there can be no difference between Christians and pagans, for the law of nations is equal to all nations." § To Soto belongs the signal honour of being the first writer who condemned the African slave-trade. "It is affirmed," says he, "that the unhappy Ethiopians are by fraud or force carried

* See Note K.

† "Indis non debere auferri imperium, ideo quia sunt peccatores, vel ideo quia non sunt Christiani," were the words of Victoria.

‡ See Note L.

§ "Neque discrepantia (ut reor) est inter Christianos et infideles, quoniam jus gentium cunctis gentibus æquale est."

away and sold as slaves. If this is true, neither those who have taken them, nor those who purchased them, nor those who hold them in bondage, can ever have a quiet conscience till they emancipate them, even if no compensation should be obtained." * As the work which contains this memorable condemnation of man-stealing and slavery was the substance of lectures for many years delivered at Salamanca, Philosophy and Religion appear, by the hand of their faithful minister, to have thus smitten the monsters in their earliest infancy. It is hard for any man of the present age to conceive the praise which is due to the excellent monks who courageously asserted the rights of those whom they never saw, against the prejudices of their order, the supposed interest of their religion, the ambition of their government, the avarice and pride of their countrymen, and the prevalent opinions of their time.

Francis Suarez †, a Jesuit, whose voluminous works amount to twenty-four volumes in folio, closes the list of writers of his class. His work on Laws and on God the Lawgiver, may be added to the above treatise of Soto, as exhibiting the most accessible and perspicuous abridgment of the theological philosophy in its latest form. Grotius, who, though he was the most upright and candid of men, could not have praised a Spanish Jesuit beyond his deserts, calls Suarez the most acute of philosophers and divines.‡ On a practical matter, which may be naturally mentioned here, though in strict method it belongs to another subject, the merit of Suarez is conspicuous. He first saw that international law was composed not only of the simple principles of justice applied to the intercourse between states, but of those usages, long observed in

* De Just. et Jure, lib. iv. quæst. ii. art 2.

† Born, 1538; died, 1617.

‡ "Tantæ subtilitatis philosophum et theologum, ut vix quemquam habeat parem." Grotii Epist. apud Anton. Bib. Hisp. Nov.

that intercourse by the European race, which have since been more exactly distinguished as the consuetudinary law acknowledged by the Christian nations of Europe and America.* On this important point his views are more clear than those of his contemporary Alberico Gentili.† It must even be owned, that the succeeding intimation of the same general doctrine by Grotius is somewhat more dark,—perhaps from his excessive pursuit of concise diction.‡

SECTION IV.

MODERN ETHICS.

GROTIUS — HOBBES.

THE introduction to the great work of Grotius §, composed in the first years of his exile, and published at Paris in 1625, contains the most clear and authentic statement of the general principles of Morals prevalent in Christendom after the close of the Schools, and before the writings of Hobbes had given rise to those ethical controversies which more peculiarly belong to modern times. That he may lay down the funda-

* "Nunquam enim civitates sunt sibi tam sufficientes quin indigeant mutuo juvamine et societate, interdum ad majorem utilitatem, interdum ob necessitatem moralem. Hâc igitur ratione indigent aliquo jure quo dirigantur et recte ordinentur in hoc genere societatis. Et quamvis magnâ ex parte hoc fiat per rationem naturalem, non tamen sufficienter et immediatè quoad omnia, *ideoque specialia jura poterant usu earundem gentium introduci.*" De Leg. lib. ii. cap. ii.

† Born in the March of Ancona, 1550; died at London, 1608.

‡ De Jur. Bell. lib. i. cap. i. § 14.

§ Prolegomena. His letter to Vossius, of 1st August 1625, determines the exact period of the publication of this famous work. Epist. 74.

mental principles of Ethics, he introduces Carneades on the stage as denying altogether the reality of moral distinctions; teaching that law and morality are contrived by powerful men for their own interest; that they vary in different countries, and change in successive ages; that there can be no natural law, since Nature leads men as well as other animals to prefer their own interest to every other object; that, therefore, there is either no justice, or if there be, it is another name for the height of folly, inasmuch as it is a fond attempt to persuade a human being to injure himself for the unnatural purpose of benefiting his fellow-men.* To this Grotius answered, that even inferior animals, under the powerful, though transient, impulse of parental love, prefer their young to their own safety or life; that gleams of compassion, and, he might have added, of gratitude and indignation, appear in the human infant long before the age of moral discipline; that man at the period of maturity is a social animal, who delights in the society of his fellow-creatures for its own sake, independently of the help and accommodation which it yields; that he is a reasonable being, capable of framing and pursuing general rules of conduct, of which he discerns that the observance contributes to a regular, quiet, and happy intercourse between all the members of the community; and that from these considerations all the precepts of Morality, and all the commands and prohibitions of just Law, may be derived by impartial Reason. "And these principles," says the pious philosopher, "would have their weight, even if it were to be granted (which could not be conceded without the highest impiety) that there is no God, or that He

* The same commonplace paradoxes were retailed by the Sophists, whom Socrates is introduced as chastising in the Dialogues of Plato. They were common enough to be put by the Historian into the mouth of an ambassador in a public speech. Ἀνδρὶ δὲ τυράννῳ ἢ πόλει ἀρχὴν ἐχούσῃ οὐδὲν ἄλογον ὅ τι ξυμφέρον. Thucyd. lib. vi. cap. 85.

exercises no moral government over human affairs." * "Natural law is the dictate of right Reason, pronouncing that there is in some actions a moral obligation, and in other actions a moral deformity, arising from their respective suitableness or repugnance to the reasonable and social nature; and that consequently such acts are either forbidden or enjoined by God, the Author of Nature. Actions which are the subject of this exertion of Reason, are in themselves lawful or unlawful, and are therefore, as such, necessarily commanded or prohibited by God."

Such was the state of opinion respecting the first principles of the moral sciences, when, after an imprisonment of a thousand years in the Cloister, they began once more to hold intercourse with the general understanding of mankind. It will be seen in the laxity and confusion, as well as in the prudence and purity of this exposition, that some part of the method and precision of the Schools was lost with their endless subtilties and their barbarous language. It is manifest that the latter paragraph is a proposition,—not, what it affects to be, a definition; that as a proposition it contains too many terms very necessary to be defined; that the purpose of the excellent writer is not so much to lay down a first principle of Morals, as to exert his unmatched power of saying much in few words, in order to assemble within the smallest compass the most weighty inducements, and the most effectual persuasions to well-doing.

* "Et hæc quidem locum aliquem haberent, etiamsi daretur (quod sine summo scelere dari nequit) non esse Deum, aut non curari ab eo negotia humana." Proleg. 11. And in another place, "Jus naturale est dictatum rectæ rationis, indicans actui alicui, ex ejus convenientia aut disconvenientia cum ipsa natura rationali et sociali, inesse moralem turpitudinem aut necessitatem moralem, ac consequenter ab auctore naturæ Deo talem actum aut vetari aut præcipi." "Actus de quibus tale exstat dictatum, debiti sunt aut illiciti per se, atque ideo a Deo necessario præcepti aut vetiti intelliguntur."—De Jur. Bell. lib. i. cap. i. § 10.

This was the condition in which ethical theory was found by Hobbes, with whom the present Dissertation should have commenced, if it had been possible to state modern controversies in a satisfactory manner, without a retrospect of the revolutions in Opinion from which they in some measure flowed.

HOBBES.*

Thomas Hobbes of Malmesbury may be numbered among those eminent persons born in the latter half of the sixteenth century, who gave a new character to European philosophy in the succeeding age.† He was one of the late writers and late learners. It was not till he was nearly thirty that he supplied the defects of his early education, by classical studies so successfully prosecuted, that he wrote well in the Latin then used by his scientific contemporaries; and made such proficiency in Greek as, in his earliest work, the Translation of Thucydides, published when he was forty, to afford a specimen of a version still valued for its remarkable fidelity, though written with a stiffness and constraint very opposite to the masterly facility of his original compositions. It was after forty that he learned the first rudiments of Geometry (so miserably defective was his education); but yielding to the paradoxical disposition apt to infect those who begin to learn after the natural age of commencement, he exposed himself, by absurd controversies with the masters of a Science which looks down with

* Born, 1588; died, 1679.

† Bacon, Descartes, Hobbes, and Grotius. The writings of the first are still as delightful and wonderful as they ever were, and his authority will have no end. Descartes forms an era in the history of Metaphysics, of Physics, of Mathematics. The controversies excited by Grotius have long ceased, but the powerful influence of his works will be doubted by those only who are unacquainted with the disputes of the seventeenth century.

scorn on the sophist. A considerable portion of his mature age was passed on the Continent, where he travelled as tutor to two successive Earls of Devonshire,—a family with whom he seems to have passed near half a century of his long life. In France his reputation, founded at that time solely on personal intercourse, became so great, that his observations on the meditations of Descartes were published in the works of that philosopher, together with those of Gassendi and Arnauld.* It was about his sixtieth year that he began to publish those philosophical writings which contain his peculiar opinions;—which set the understanding of Europe into general motion, and stirred up controversies among metaphysicians and moralists, not even yet determined. At the age of eighty-seven he had the boldness to publish metrical versions of the Iliad and Odyssey, which the greatness of his name, and the singularity of the undertaking, still render objects of curiosity, if not of criticism.

He owed his influence to various causes; at the head of which may be placed that genius for system, which, though it cramps the growth of Knowledge†, perhaps finally atones for that mischief, by the zeal and activity which it rouses among followers and opponents, who discover truth by accident, when in pursuit of weapons for their warfare. A system which attempts a task so hard as that of subjecting vast provinces of human knowledge to one or two principles,

* The prevalence of freethinking under Louis XIII., to a far greater degree than it was avowed, appears not only from the complaints of Mersenne and of Grotius, but from the disclosures of Guy Patin; who, in his Letters, describes his own conversations with Gassendi and Naude, so as to leave no doubt of their opinions.

† "Another error," says the Master of Wisdom, "is the over-early and peremptory reduction of knowledge into arts and methods, from which time commonly receives small augmentation." Advancement of Learning, book i. "Method," says he, "carrying a show of total and perfect knowledge, has a tendency to generate acquiescence." What pregnant words!

if it presents some striking instances of conformity to superficial appearances, is sure to delight the framer, and, for a time, to subdue and captivate the student too entirely for sober reflection and rigorous examination. The evil does not, indeed, very frequently recur. Perhaps Aristotle, Hobbes, and Kant, are the only persons who united in the highest degree the great faculties of comprehension and discrimination which compose the *Genius of System*. Of the three, Aristotle alone could throw it off where it was glaringly unsuitable; and it is deserving of observation, that the reign of system seems, from these examples, progressively to shorten in proportion as Reason is cultivated and Knowledge advances. But, in the first instance, consistency passes for Truth. When principles in some instances have proved sufficient to give an unexpected explanation of facts, the delighted reader is content to accept as true all other deductions from the principles. Specious premises being assumed to be true, nothing more can be required than logical inference. Mathematical forms pass current as the equivalent of mathematical certainty. The unwary admirer is satisfied with the completeness and symmetry of the plan of his house,—unmindful of the need of examining the firmness of the foundation and the soundness of the materials. The system-maker, like the conqueror, long dazzles and overawes the world; but when their sway is past, the vulgar herd, unable to measure their astonishing faculties, take revenge by trampling on fallen greatness.

The dogmatism of Hobbes was, however unjustly, one of the sources of his fame. The founders of systems deliver their novelties with the undoubting spirit of discoverers; and their followers are apt to be dogmatical, because they can see nothing beyond their own ground. It might seem incredible, if it were not established by the experience of all ages, that those who differ most from the opinions of their fellow-men are most confident of the truth of their own. But it

commonly requires an overweening conceit of the superiority of a man's own judgment, to make him espouse very singular notions; and when he has once embraced them, they are endeared to him by the hostility of those whom he contemns as the prejudiced vulgar. The temper of Hobbes must have been originally haughty. The advanced age at which he published his obnoxious opinions, rendered him more impatient of the acrimonious opposition which they necessarily provoked; until at length a strong sense of the injustice of the punishment impending over his head for the publication of what he believed to be truth, co-operated with the peevishness and timidity of his years, to render him the most imperious and morose of dogmatists. His dogmatism has indeed one quality more offensive than that of most others. Propositions the most adverse to the opinions of mankind, and the most abhorrent from their feelings, are introduced into the course of his argument with mathematical coldness. He presents them as demonstrated conclusions, without deigning to explain to his fellow-creatures how they all happened to believe the opposite absurdities, and without even the compliment of once observing how widely his discoveries were at variance with the most ancient and universal judgments of the human understanding. The same quality in Spinoza indicates a recluse's ignorance of the world. In Hobbes it is the arrogance of a man who knows mankind and despises them.

A permanent foundation of his fame remains in his admirable style, which seems to be the very perfection of didactic language. Short, clear, precise, pithy, his language never has more than one meaning, which it never requires a second thought to find. By the help of his exact method, it takes so firm a hold on the mind, that it will not allow attention to slacken. His little tract on Human Nature has scarcely an ambiguous or a needless word. He has so great a power of always choosing the most significant term, that he

never is reduced to the poor expedient of using many in its stead. He had so thoroughly studied the genius of the language, and knew so well how to steer between pedantry and vulgarity, that two centuries have not superannuated probably more than a dozen of his words. His expressions are so luminous, that he is clear without the help of illustration. Perhaps no writer of any age or nation, on subjects so abstruse, has manifested an equal power of engraving his thoughts on the mind of his readers. He seems never to have taken a word for ornament or pleasure; and he deals with eloquence and poetry as the natural philosopher who explains the mechanism of children's toys, or deigns to contrive them. Yet his style so stimulates attention, that it never tires; and, to those who are acquainted with the subject, appears to have as much spirit as can be safely blended with Reason. He compresses his thoughts so unaffectedly, and yet so tersely, as to produce occasionally maxims which excite the same agreeable surprise with wit, and have become a sort of philosophical proverbs; — the success of which he partly owed to the suitableness of such forms of expression to his dictatorial nature. His words have such an appearance of springing from his thoughts, as to impress on the reader a strong opinion of his originality, and indeed to prove that he was not conscious of borrowing: though conversation with Gassendi must have influenced his mind; and it is hard to believe that his coincidence with Ockham should have been purely accidental on points so important as the denial of general ideas, the reference of moral distinctions to superior power, and the absolute thraldom of Religion under the civil power, which he seems to have thought necessary, to maintain that independence of the State on the Church, with which Ockham had been contented.

His philosophical writings might be read without reminding any one that the author was more than an intellectual machine. They never betray a feeling

except that insupportable arrogance which looks down on his fellow-men as a lower species of beings; whose almost unanimous hostility is so far from shaking the firmness of his conviction, or even ruffling the calmness of his contempt, that it appears too petty a circumstance to require explanation, or even to merit notice. Let it not be forgotten, that part of his renown depends on the application of his admirable powers to expound Truth when he meets it. This great merit is conspicuous in that part of his treatise of Human Nature which relates to the percipient and reasoning faculties. It is also very remarkable in many of his *secondary* principles on the subject of Government and Law, which, while the *first* principles are false and dangerous, are as admirable for truth as for his accustomed and unrivalled propriety of expression.* In many of these observations he even shows a disposition to soften his paradoxes, and to conform to the common sense of mankind.†

It was with perfect truth observed by my excellent friend Mr. Stewart, that "the ethical principles of Hobbes are completely interwoven with his political system." ‡ He might have said, that the whole of Hobbes's system, moral, religious, and in part philo-

* See De Corpore Politico, Part i. chap. ii. iii. iv. and Leviathan, Part i. chap. xiv. xv. for remarks of this sort, full of sagacity.

† "The laws of Nature are *immutable and eternal*; for injustice, ingratitude, arrogance, pride, iniquity, acception of persons, and the rest, can never be made lawful. For it can never be that war shall preserve life, and peace destroy it." *Leviathan*, Part i. chap. xv. See also Part ii. chap. xxvi. xxviii. on Laws, and on Punishments.

‡ See Encyc. Brit. i. 42. The political state of England is indeed said by himself to have occasioned his first philosophical publication.

> Nascitur interea scelus execrabile belli.
> ..... Horreo spectans,
> Meque ad dilectam confero Lutetiam,
> Postque duos annos edo De Cive Libellum.

sophical, depended on his political scheme; not indeed logically, as conclusions depend upon premises, but (if the word may be excused) *psychologically*, as the formation of one opinion may be influenced by a disposition to adapt it to others previously cherished. The Translation of Thucydides, as he himself boasts, was published to show the evils of popular government.* Men he represented as being originally equal, and having an equal right to all things, but as being taught by Reason to sacrifice this right for the advantages of peace, and to submit to a common authority, which can preserve quiet, only by being the sole depositary of force, and must therefore be absolute and unlimited. The supreme authority cannot be sufficient for its purpose, unless it be wielded by a single hand; nor even then, unless his absolute power extends over Religion, which may prompt men to discord by the fear of an evil greater than death. The perfect state of a community, according to him, is where Law prescribes the religion and morality of the people, and where the will of an absolute sovereign is the sole fountain of Law. Hooker had inculcated the simple truth, that "to live by one man's will is the cause of many men's misery:" — Hobbes embraced the daring paradox, that to live by one man's will is the only means of all men's happiness. Having thus rendered Religion the slave of every human tyrant, it was an unavoidable consequence, that he should be disposed to lower her character, and lessen her power over men; that he should regard atheism as the most effectual instrument of preventing rebellion, — at least that species of rebellion which prevailed in his time, and had excited his alarms. The formidable alliance

* The conference between the ministers from Athens and the Melean chiefs, in the 5th book, and the speech of Euphemus in the 6th book of that historian, exhibit an undisguised *Hobbism*, which was very dramatically put into the mouth of Athenian statesmen at a time when, as we learn from Plato and Aristophanes, it was preached by the Sophists.

of Religion with Liberty haunted his mind, and urged him to the bold attempt of rooting out both these mighty principles; which, when combined with interests and passions, when debased by impure support, and provoked by unjust resistance, have indeed the power of fearfully agitating society; but which are, nevertheless, in their own nature, and as far as they are unmixed and undisturbed, the parents of Justice, of Order, of Peace, as well as the sources of those hopes, and of those glorious aspirations after higher excellence, which encourage and exalt the Soul in its passage through misery and depravity. A Hobbist is the only consistent persecutor; for he alone considers himself as bound, by whatever conscience he has remaining, to conform to the religion of the sovereign. He claims from others no more than he is himself ready to yield to any master*; while the religionist who persecutes a member of another communion, exacts the sacrifice of conscience and sincerity, though professing that rather than make it himself, he is prepared to die.

REMARKS.

The fundamental errors on which the ethical system of Hobbes is built are not peculiar to him; though

* Spinoza adopted precisely the same first principle with Hobbes, that all men have a natural right to all things. Tract. Theol. Pol. cap. ii. § 3. He even avows the absurd and detestable maxim, that states are not bound to observe their treaties longer than the interest or danger which first formed the treaties continues. But on the internal constitution of states he embraces opposite opinions. Servitutis *enim, non pacis, interest omnem potestatem ad unum transferre.* (Ibid. cap. vi. § 4.) Limited monarchy he considers as the only tolerable example of that species of government. An aristocracy nearly approaching to the Dutch system during the suspension of the Stadtholdership, he seems to prefer. He speaks favourably of democracy, but the chapter on that subject is left unfinished. "Nulla plane templa urbium sumptibus ædificanda, nec jura de opinionibus statuenda." He was the first republican atheist of modern times, and probably the earliest irreligious opponent of an ecclesiastical establishment.

he has stated them with a bolder precision, and placed them in a more conspicuous station in the van of his main force, than any other of those who have either frankly avowed, or tacitly assumed, them, from the beginning of speculation to the present moment. They may be shortly stated as follows.

1. The first and most inveterate of these errors is, that he does not distinguish *thought* from *feeling*, or rather that he in express words confounds them. The mere *perception* of an object, according to him, differs from the *pleasure* or *pain* which that perception may occasion, no otherwise than as they affect different organs of the bodily frame. The action of the mind in perceiving or conceiving an object is precisely the same with that of feeling the agreeable or disagreeable.* The necessary result of this original confusion is, to extend the laws of the intellectual part of our nature over that other part of it (hitherto without any adequate name), which feels, and desires, and loves, and hopes, and wills. In consequence of this long confusion, or want of distinction, it has happened that, while the simplest act of the merely intellectual part has many names (such as "sensation," "perception," "impression," &c.), the correspondent act of the other not less important portion of man is not

* This doctrine is explained in his tract on Human Nature, c. vii. "*Conception* is a motion in some internal substance of the head, which proceeding to the heart, when it helpeth the motion there, is called *pleasure*; when it weakeneth or hindereth the motion, it is called *pain*." The same matter is handled more cursorily, agreeably to the practical purpose of the work, in Leviathan, part i. chap. vi. These passages are here referred to as proofs of the statement in the text. With the materialism of it we have here no concern. If the multiplied suppositions were granted, we should not advance one step towards understanding what they profess to explain. The first four words are as unmeaning as if one were to say that greenness is very loud. It is obvious that many motions which promote the motion of the heart are extremely painful.

denoted by a technical term in philosophical systems; nor by a convenient word in common language. "Sensation" has another more common sense; "Emotion" is too warm for a generic term; "Feeling" has some degree of the same fault, besides its liability to confusion with the sense of touch; "Pleasure" and "Pain" represent only two properties of this act, which render its repetition the object of desire or aversion; — which last states of mind presuppose the act. Of these words, "Emotion" seems to be the least objectionable, since it has no absolute double meaning, and does not require so much vigilance in the choice of the accompanying words as would be necessary if we were to prefer "Feeling;" which, however, being a more familiar word, may, with due caution, be also sometimes employed. Every man who attends to the state of his own mind will acknowledge, that these words, "Emotion" and "Feeling," thus used, are perfectly simple, and as incapable of further explanation by words as sight or hearing; which may, indeed, be rendered into synonymous words, but never can be defined by any more simple or more clear. Reflection will in like manner teach that perception, reasoning, and judgment may be conceived to exist without being followed by emotion. Some men hear music without gratification: one may distinguish a taste without being pleased or displeased by it; or at least the relish or disrelish is often so slight, without lessening the distinctness of the sapid qualities, that the distinction of it from the perception cannot be doubted.

The multiplicity of errors which have flowed into moral science from this original confusion is very great. They have spread over many schools of philosophy; and many of them are prevalent to this day. Hence the laws of the Understanding have been applied to the Affections; virtuous feelings have been considered as just reasonings; evil passions have been represented as mistaken judgments; and it has been

laid down as a principle, that the Will always follows the last decision of the Practical Intellect.*

2. By this great error, Hobbes was led to represent all the variety of the desires of men, as being only so many instances of objects deliberately and solely pursued; because they were the means, and at the time perceived to be so, of directly or indirectly procuring organic gratification to the individual.† The human passions are described as if they reasoned accurately, deliberated coolly, and calculated exactly. It is assumed that, in performing these operations, there is and can be no act of life in which a man does not bring distinctly before his eyes the pleasure which is to accrue to himself from the act. From this single and simple principle, all human conduct may, according to him, be explained and even foretold. The true laws of this part of our nature (so totally different from those of the percipient part) were, by this grand mistake, entirely withdrawn from notice. Simple as the observation is, it seems to have escaped not only Hobbes, but many, perhaps most, philosophers, that our desires seek a great diversity of objects; that the attainment of these objects is indeed followed by, or rather called "Pleasure;" but that it could not be so, if the objects had not been previously desired. Many besides him have really represented *self* as the ultimate object of every action; but none ever so hardily thrust forward the selfish system in its harshest and coarsest shape. The mastery which he shows over other metaphysical subjects, forsakes him on this. He does not scruple, for the sake of this system, to distort facts of which all men are conscious, and to do violence to the language in which the result of their uniform experience is conveyed.

* "Voluntas semper sequitur ultimum judicium intellectûs practici." [See Spinozæ Cog. Met. pars ii. cap. 12. Ed.]

† See the passages before quoted.

"Acknowledgment of power is called Honour."* His explanations are frequently sufficient confutations of the doctrine which required them. "Pity is the imagination of future calamity to ourselves, proceeding from the sense (observation) of another man's calamity." "Laughter is occasioned by sudden glory in our eminence, or in comparison with the infirmity of others." Every man who ever wept or laughed, may determine whether this be a true account of the state of his mind on either occasion. "Love is a conception of his need of the one person desired;"—a definition of Love, which, as it excludes kindness, might perfectly well comprehend the hunger of a cannibal, provided that it were not too ravenous to exclude choice. "Good-will, or charity, which containeth the natural affection of parents to their children, consists in a man's conception that he is able not only to accomplish his own desires, but to assist other men in theirs:" from which it follows, as the pride of power is felt in destroying as well as in saving men, that cruelty and kindness are the same passion.† Such were the expedients to which a man of the highest class of understanding was driven, in order to evade the admission of the simple and evident truth, that there are in our nature perfectly disinterested passions, which seek the well-being of others as their object and end, without looking beyond it to self, or pleasure, or happiness. A proposition, from which such a man could attempt to escape only by such means, may be strongly presumed to be true.

* Human Nature, chap. viii. The ridiculous explanation of the admiration of personal beauty, "as a sign of power generative," shows the difficulties to which this extraordinary man was reduced by a false system.

† Ibid. chap. ix. I forbear to quote the passage on Platonic love, which immediately follows: but, considering Hobbes's blameless and honourable character, that passage is perhaps the most remarkable instance of the shifts to which his selfish system reduced him.

3. Hobbes having thus struck the affections out of his map of human nature, and having totally misunderstood (as will appear in a succeeding part of this Dissertation) the nature even of the appetites, it is no wonder that we should find in it not a trace of the moral sentiments. Moral Good* he considers merely as consisting in the signs of a power to produce pleasure; and repentance is no more than regret at having missed the way: so that, according to this system, a disinterested approbation of, and reverence for Virtue, are no more possible than disinterested affections towards our fellow-creatures. There is no sense of duty, no compunction for our own offences, no indignation against the crimes of others, — unless they affect our own safety; — no secret cheerfulness shed over the heart by the practice of well-doing. From his philosophical writings it would be impossible to conclude that there are in man a set of emotions, desires, and aversions, of which the sole and final objects are the voluntary actions and habitual dispositions of himself and of all other voluntary agents; which are properly called "moral sentiments;" and which, though they vary more in degree, and depend more on cultivation, than some other parts of human nature, are as seldom as most of them found to be entirely wanting.

4. A theory of Man which comprehends in its explanations neither the social affections, nor the moral sentiments, must be owned to be sufficiently defective. It is a consequence, or rather a modification of it, that Hobbes should constantly represent the deliberate regard to personal advantage, as the only possible motive of human action; and that he should altogether disdain to avail himself of those refinements of the selfish scheme which allow the pleasures of benevolence and of morality, themselves, to be a most important part of that interest which reasonable beings pursue.

* Which he calls the "pulchrum," for want, as he says, of an English word to express it. Leviathan, part i. c. vi.

5. Lastly, though Hobbes does in effect acknowledge the necessity of Morals to society, and the general coincidence of individual with public interest, — truths so palpable that they never have been excluded from any ethical system, he betrays his utter want of moral sensibility by the coarse and odious form in which he has presented the first of these great principles; and his view of both leads him most strongly to support that common and pernicious error of moral reasoners, that a perception of the tendency of good actions to preserve the being and promote the well-being of the community, and a sense of the dependence of our own happiness upon the general security, either are essential constituents of our moral feelings, or are ordinarily mingled with the most effectual motives to right conduct.

The court of Charles II. were equally pleased with Hobbes's poignant brevity, and his low estimate of human motives. His ethical epigrams became the current coin of profligate wits. Sheffield, Duke of Buckinghamshire, who represented the class still more perfectly in his morals than in his faculties, has expressed their opinion in verses, of which one line is good enough to be quoted:

"Fame bears no fruit till the vain planter dies."

Dryden speaks of "the philosopher and *poet* (for such is the condescending term employed) of Malmesbury," as resembling Lucretius in haughtiness. But Lucretius, though he held many of the opinions of Hobbes, had the sensibility as well as genius of a poet. His dogmatism is full of enthusiasm; and his philosophical theory of society discovers occasionally as much tenderness as can be shown without reference to individuals. He was a Hobbist in only half his nature.

The moral and political system of Hobbes was a palace of ice, transparent, exactly proportioned, majestic, admired by the unwary as a delightful dwelling; but gradually undermined by the central warmth

of human feeling, before it was thawed into muddy water by the sunshine of true Philosophy.

When Leibnitz, in the beginning of the eighteenth century, reviewed the moral writers of modern times, his penetrating eye saw only two who were capable of reducing Morals and Jurisprudence to a science. "So great an enterprise," says he, "might have been executed by the deep-searching genius of Hobbes, if he had not set out from evil principles; or by the judgment and learning of the incomparable Grotius, if his powers had not been scattered over many subjects, and his mind distracted by the cares of an agitated life."* Perhaps in this estimate, admiration of the various and excellent qualities of Grotius may have overrated his purely philosophical powers, great as they unquestionably were. Certainly the failure of Hobbes was owing to no inferiority in strength of intellect. Probably his fundamental errors may be imputed, in part, to the faintness of his moral sensibilities, insufficient to make him familiar with those sentiments and affections which can be known only by being felt;—a faintness perfectly compatible with his irreproachable life, but which obstructed, and at last obliterated, the only channel through which the most important materials of ethical science enter into the mind.

Against Hobbes, says Warburton, the whole Church militant took up arms. The answers to the Leviathan would form a library. But the far greater part have followed the fate of all controversial pamphlets. Sir Robert Filmer was jealous of any rival theory of servitude: Harrington defended liberty, and Clarendon the Church, against a common enemy. His philosophical antagonists were Cumberland, Cud-

* "Et tale aliquid potuisset, vel ab incomparabilis Grotii judicio et doctrina, vel à profundo Hobbii ingenio præstari; nisi illum multa distraxissent; hic verò prava constituisset principia." Leib. Op. iv. pars iii. 276.

worth, Shaftesbury, Clarke, Butler, and Hutcheson. Though the last four writers cannot be considered as properly polemics, their labours were excited, and their doctrines modified, by the stroke from a vigourous arm which seemed to shake Ethics to its foundation. They lead us far into the eighteenth century; and their works, occasioned by the doctrines of Hobbes, sowed the seed of the ethical writings of Hume, Smith, Price, Kant, and Stewart; in a less degree, also, of those of Tucker and Paley:—not to mention Mandeville, the buffoon and sophister of the alehouse, or Helvetius, an ingenious but flimsy writer, the low and loose Moralist of the vain, the selfish, and the sensual.

SECTION V.

CONTROVERSIES CONCERNING THE MORAL FACULTIES AND THE SOCIAL AFFECTIONS.

CUMBERLAND—CUDWORTH—CLARKE—SHAFTESBURY—BOSSUET—FENELON—LEIBNITZ—MALEBRANCHE—EDWARDS—BUFFIER.

Dr. Richard Cumberland*, raised to the see of Peterborough after the Revolution of 1688, was the only professed answerer of Hobbes. His work On the Laws of Nature still retains a place on the shelf, though not often on the desk. The philosophical epigrams of Hobbes form a contrast to the verbose, prolix, and languid diction of his answerer. The forms of scholastic argument serve more to encumber his style, than to insure his exactness. But he has substantial merits. He justly observes, that all men can only be said to have had originally a right to all things, in a sense in which "right" has the same meaning with "power." He shows that Hobbes is

* Born, 1632; died, 1718.

at variance with himself, inasmuch as the dictates of Right Reason, which, by his own statement, teach men for their own safety to forego the exercise of that right, and which he calls "laws of Nature," are coeval with it; and that mankind perceive the moral limits of their power as clearly and as soon as they are conscious of its existence. He enlarges the intimations of Grotius on the social feelings, which prompt men to the pleasures of pacific intercourse, as certainly as the apprehension of danger and of destruction urges them to avoid hostility. The fundamental principle of his system of Ethics is, that "the greatest benevolence of every rational agent to all others is the happiest state of each individual, as well as of the whole."* The happiness accruing to each man from the observance and cultivation of benevolence, he considers as appended to it by the Supreme Ruler; through which he sanctions it as His law, and reveals it to the mind of every reasonable creature. From this principle he deduces the rules of Morality, which he calls the "laws of Nature." The surest, or rather the only mark that they are the commandments of God, is, that their observance promotes the happiness of man: for that reason alone could they be imposed by that Being whose essence is Love. As our moral faculties must to us be the measure of all moral excellence, he infers that the moral attributes of the Divinity must in their nature be only a transcendent degree of those qualities which we most approve, love, and revere, in those moral agents with whom we are familiar.† He had a momentary glimpse of the possibility that some human actions might be performed with a view to the happiness of others, without any consideration of the pleasure reflected back on ourselves.‡ But it is too faint and transient to be worthy of observation, other-

* De Leg. Nat. cap. i. § 12. first published in London, 1672, and then so popular as to be reprinted at Lubeck in 1683.

† Ibid. cap. v. § 19.

‡ Ibid. cap. ii. § 20.

wise than as a new proof how often great truths must flit before the Understanding, before they can be firmly and finally held in its grasp. His only attempt to explain the nature of the Moral Faculty, is the substitution of Practical Reason (a phrase of the Schoolmen, since become celebrated from its renewal by Kant) for Right Reason*; and his definition of the first, as that which points out the ends and means of action. Throughout his whole reasoning, he adheres to the accustomed confusion of the quality which renders actions virtuous, with the sentiments excited in us by the contemplation of them. His language on the identity of general and individual interest is extremely vague; though it be, as he says, the foundation-stone of the Temple of Concord among men.

It is little wonderful that Cumberland should not have disembroiled this ancient and established confusion, since Leibnitz himself, in a passage where he reviews the theories of Morals which had gone before him, has done his utmost to perpetuate it. "It is a question," says the latter, "whether the preservation of human society be the first principle of the law of Nature. This our author denies, in opposition to Grotius, who laid down sociability to be so; — to Hobbes, who ascribed that character to mutual fear; and to Cumberland, who held that it was mutual benevolence; which are all three only different names for the safety and welfare of society."† Here the

* "Whoever determines his Judgment and his Will by Right Reason, must agree with all others who judge according to Right Reason in the same matter." Ibid. cap. ii. § 8. This is in one sense only a particular instance of the identical proposition, that two things which agree with a third thing must agree with each other in that, in which they agree with the third. But the difficulty entirely consists in the particular third thing here introduced, namely, "Right Reason," the nature of which not one step is made to explain. The position is curious, as coinciding with "the universal categorical imperative," adopted as a first principle by Kant.

† Leib. Op. pars iii. 271. The unnamed work which occa-

great philosopher considered benevolence or fear, two feelings of the human mind, to be the first principles of the law of Nature, in the same sense in which the tendency of certain actions to the well-being of the community may be so regarded. The confusion, however, was then common to him with many, as it even now is with most. The comprehensive view was his own. He perceived the close resemblance of these various, and even conflicting opinions, in that important point of view in which they relate to the effects of moral and immoral actions on the general interest. The tendency of Virtue to preserve amicable intercourse was enforced by Grotius; its tendency to prevent injury was dwelt on by Hobbes; its tendency to promote an interchange of benefits was inculcated by Cumberland.

CUDWORTH.*

Cudworth, one of the eminent men educated or promoted in the English Universities during the Puritan rule, was one of the most distinguished of the Latitudinarian, or Arminian, party who came forth at the Restoration, with a love of Liberty imbibed from their Calvinistic masters, as well as from the writings of antiquity, yet tempered by the experience of their own agitated age; and with a spirit of religious toleration more impartial and mature, though less systematic and professedly comprehensive, than that of the Independents, the first sect who preached that doctrine. Taught by the errors of their time, they considered Religion as consisting, not in vain efforts to explain unsearchable mysteries, but in purity of heart exalted by pious feelings, and manifested by virtuous con-

sioned these remarks (perhaps one of Thomasius) appeared in 1699. How long after this Leibnitz's Dissertation was written, does not appear.

* Born, 1617; died, 1688.

duct.* The government of the Church was placed in their hands by the Revolution, and their influence was long felt among its rulers and luminaries. The first generation of their scholars turned their attention too much from the cultivation of the heart to the mere government of outward action: and in succeeding times the tolerant spirit, not natural to an establishment, was with difficulty kept up by a government whose existence depended on discouraging intolerant pretensions. No sooner had the first sketch of the Hobbian philosophy † been privately circulated at Paris, than Cudworth seized the earliest opportunity of sounding the alarm against the most justly odious of the modes of thinking which it cultivates, or forms of expression which it would introduce ‡;—the prelude to a war which occupied the remaining forty years of his life. The Intellectual System, his great production, is directed against the atheistical opinions of Hobbes: it touches ethical questions but occasionally. and incidentally. It is a work of stupendous erudition, of much more acuteness than at first appears, of frequent mastery over diction and illustra-

* See the beautiful account of them by Burnet (Hist. of His Own Time, i. 321. Oxford, 1823), who was himself one of the most distinguished of this excellent body; with whom may be classed, notwithstanding some shades of doctrinal difference, his early master, Leighton, Bishop of Dunblane, a beautiful writer, and one of the best of men. The earliest account of them is in a curious contemporary pamphlet, entitled, "An Account of the new Sect of Latitude-men at Cambridge," republished in the collection of tracts, entitled "Phœnix Britannicus." Jeremy Taylor deserves the highest, and perhaps the earliest place among them: but Cudworth's excellent sermon before the House of Commons (31st March, 1647) in the year of the publication of Taylor's Liberty of Prophesying, may be compared even to Taylor in charity, piety, and the most liberal toleration.

† De Cive, 1642.

‡ "Dantur boni et mali rationes æternæ et indispensabiles:" Thesis for the degree of B.D. at Cambridge in 1644. Birch's Life of Cudworth, prefixed to his edition of the Intellectual System (Lond. 1743), i. 7.

tion on subjects where it is most rare; and it is distinguished, perhaps beyond any other volume of controversy, by that best proof of the deepest conviction of the truth of a man's principles, a fearless statement of the most formidable objections to them;—a fairness rarely practised but by him who is conscious of his power to answer them. In all his writings, it must be owned, that his learning obscures his reasonings, and seems even to oppress his powerful intellect. It is an unfortunate effect of the redundant fulness of his mind, that it overflows in endless digressions, which break the chain of argument, and turn aside the thoughts of the reader from the main object. He was educated before usage had limited the naturalisation of new words from the learned languages; before the failure of those great men, from Bacon to Milton, who laboured to follow a Latin order in their sentences, and the success of those men of inferior powers, from Cowley to Addison, who were content with the order, as well as the words, of pure and elegant conversation, had, as it were, by a double series of experiments, ascertained that the involutions and inversions of the ancient languages are seldom reconcileable with the genius of ours; and that they are, unless skilfully, as well as sparingly introduced, at variance with the natural beauties of our prose composition. His mind was more that of an ancient than of a modern philosopher. He often indulged in that sort of amalgamation of fancy with speculation, the delight of the Alexandrian doctors, with whom he was most familiarly conversant; and the Intellectual System, both in thought and expression, has an old and foreign air, not unlike a translation from the work of a later Platonist. Large ethical works of this eminent writer are extant in manuscript in the British Museum.* One posthumous volume on Morals was published by

* A curious account of the history of these MSS. by Dr. Kippis, is to be found in the Biographia Britannica, iv. 549.

Dr. Chandler, Bishop of Durham, entitled "A Treatise concerning Eternal and Immutable Morality."* But there is the more reason to regret (as far as relates to the history of Opinion) that the larger treatises are still unpublished, because the above volume is not so much an ethical treatise as an introduction to one. Protagoras of old, and Hobbes then alive, having concluded that Right and Wrong were unreal, because they were not perceived by the senses, and because all human knowledge consists only in such perception, Cudworth endeavours to refute them by disproving that part of their premises which forms the last-stated proposition. The mind has many conceptions (*νοήματα*) which are not cognisable by the senses; and though they are occasioned by sensible objects, yet they cannot be formed but by a faculty superior to sense. The conceptions of Justice and Duty he places among them. The distinction of Right from Wrong is discerned by Reason; and as soon as these words are defined, it becomes evident that it would be a contradiction in terms to affirm that any power, human or Divine, could change their nature; or, in other words, make the same act to be just and unjust at the same time. They have existed eternally, in the only mode in which truths can be said to be eternal, in the Eternal Mind; and they are indestructible and unchangeable like that Supreme Intelligence.† What-

* 8vo. Lond. 1731.

† "There are many objects of our mind which we can neither see, hear, feel, smell, nor taste, and which did never enter into it by any sense; and therefore we can have no sensible pictures or ideas of them, drawn by the pencil of that inward limner, or painter, which borrows all his colours from sense, which we call 'Fancy:' and if we reflect on our own cogitations of these things, we shall sensibly perceive that they are not *phantastical* but *noematical*: as, for example, justice, equity, duty and obligation, cogitation, opinion, intellection, volition, memory, verity, falsity, cause, effect, genus, species, nullity, contingency, possibility, impossibility, and innumerable others." Ibid. 140. We have here an anticipation of Kant.

ever judgment may be formed of this reasoning, it is manifest that it relates merely to the philosophy of the *Understanding*, and does not attempt any explanation of what constitutes the very essence of Morality, —its relation to the *Will*. That we perceive a distinction between Right and Wrong, as much as between a triangle and a square, is indeed true; and may possibly lead to an explanation of the reason why men should adhere to the one and avoid the other. But it is not that reason. A command or a precept is not a proposition: it cannot be said that either is true or false. Cudworth, as well as many who succeeded him, confounded the mere apprehension by the Understanding that Right is different from Wrong, with the practical authority of these important conceptions, exercised over voluntary actions, in a totally distinct province of the human soul.

Though his life was devoted to the assertion of Divine Providence, and though his philosophy was imbued with the religious spirit of Platonism *, yet he had placed Christianity too purely in the love of God and Man to be considered as having much regard for those controversies about rights and opinions with which zealots disturb the world. They represented him as having fallen into the same heresy with Milton and with Clarke†; and some of them even charged him with atheism, for no other reason than that he was not afraid to state the atheistic difficulties in their fullest force. As blind anger heaps inconsistent accusations on each other, they called him at least

* Ευσέβει, ω τέκνον, ὁ γαρ ευσέβων ἄχρως Χριστιανίζει. (Motto affixed to the sermon above mentioned.)

† The following doctrine is ascribed to Cudworth by Nelson, a man of good understanding and great worth: "Dr. Cudworth maintained that the Father, absolutely speaking, is the only supreme God: the Son and Spirit being God only by his concurrence with them, and their subordination and subjection to him." Life of Bull, 339.

"an Arian, a Socinian, or a Deist." * The courtiers of Charles II., who were delighted with every part of Hobbes but his integrity, did their utmost to decry his antagonist. They turned the railing of the bigots into a sarcasm against Religion; as we learn from him who represented them with unfortunate fidelity. "He has raised," says Dryden, "such strong objections against the being of God, that many think he has not answered them;"—"the common fate," as Lord Shaftesbury tells us, "of those who dare to appear fair authors." † He had, indeed, earned the hatred of some theologians, better than they could know from the writings published during his life; for in his posthumous work he classes with the ancient atheists those of his contemporaries (whom he forbears to name), who held "that God may command what is contrary to moral rules; that He has no inclination to the good of His creatures; that He may justly doom an innocent being to eternal torments; and that whatever God does will, for that reason is just, because He wills it." ‡

It is an interesting incident in the life of a philosopher, that Cudworth's daughter, Lady Masham, had the honour to nurse the infirmities and to watch the last breath of Mr. Locke, who was opposed to her father in speculative philosophy, but who heartily agreed with him in the love of Truth, Liberty, and Virtue.

* Turner's Discourse on the Messiah, 335.

† Moralists, part ii. § 3.

‡ Etern. and Immut. Mor. 11. He quotes Ockham as having formerly maintained the same monstrous positions. To many, if not to most of these opinions or expressions, ancient and modern, reservations are adjoined, which render them *literally* reconcilable with practical Morals. But the dangerous abuse to which the incautious language of ethical theories is liable, is well illustrated by the anecdote related in Plutarch's Life of Alexander, of the sycophant Anaxarchas consoling that monarch for the murder of Clitus, by assuring him that every act of a ruler must be just. Πᾶν το πραχθεν ὑπο του κρατοῦντος δίκαιον. Op. i. 639.

CLARKE.*

Connected with Cudworth by principle, though separated by some interval of time, was Dr. Samuel Clarke, a man eminent at once as a divine, a mathematician, a metaphysical philosopher, and a philologer; who, as the interpreter of Homer and Cæsar, the scholar of Newton, and the antagonist of Leibnitz, approved himself not unworthy of correspondence with the highest order of human Spirits. Roused by the prevalence of the doctrines of Spinoza and Hobbes, he endeavoured to demonstrate the Being and Attributes of God, from a few axioms and definitions, in the manner of Geometry. In this attempt, with all his powers of argument, it must be owned that he is compelled sometimes tacitly to assume what the laws of reasoning required him to prove; and that, on the whole, his failure may be regarded as a proof that such a mode of argument is beyond the faculties of man.† Justly considering the Moral Attributes of the Deity as what alone render him the object of Religion, and to us constitutes the difference between Theism and atheism, he laboured with the utmost zeal to place the distinctions of Right and Wrong on a more solid foundation, and to explain the conformity of Morality to Reason, in a manner calculated to give a precise and scientific signification to that phraseology which all philosophers had, for so many ages, been content to employ, without thinking themselves obliged to define.

* Born, 1675; died, 1729.

† This admirable person had so much candour as in effect to own his failure, and to recur to those other arguments in support of this great truth, which have in all ages satisfied the most elevated minds. In Proposition viii. (Being and Attributes of God, 47.) which affirms that the first cause *must* be "intelligent" (wherein, as he truly states, "lies the main question between us and the atheists"), he owns, that the proposition cannot be demonstrated strictly and properly *à priori*. See Note M.

It is one of the most rarely successful efforts of the human mind, to place the understanding at the point from which a philosopher takes the views that compose his system, to recollect constantly his purposes, to adopt for a moment his previous opinions and prepossessions, to think in his words and to see with his eyes;—especially when the writer widely dissents from the system which he attempts to describe, and after a general change in the modes of thinking and in the use of terms. Every part of the present Dissertation requires such an excuse; but perhaps it may be more necessary in a case like that of Clarke, where the alterations in both respects have been so insensible, and in some respects appear so limited, that they may escape attention, than after those total revolutions in doctrine, where the necessity of not measuring other times by our own standard must be apparent to the most undistinguishing.

The sum of his moral doctrine may be stated as follows. Man can conceive nothing without at the same time conceiving its relations to other things. He must ascribe the same law of perception to every being to whom he ascribes thought. He cannot therefore doubt that all the relations of all things to all must have always been present to the Eternal Mind. The relations in this sense are eternal, however recent the things may be between whom they subsist. The whole of these relations constitute Truth: the knowledge of them is Omniscience. These eternal *different* relations of things involve a consequent eternal *fitness* or *unfitness* in the application of things, one to another; with a regard to which, the will of God always chooses, and which ought likewise to determine the wills of all subordinate rational beings. These eternal differences make it fit and reasonable for the creatures so to act; they cause it to be their duty, or lay an *obligation* on them so to do, separate from the will of God*, and

* "Those who found all moral obligation on the will of God

antecedent to any prospect of advantage or reward.* Nay, wilful wickedness is the same absurdity and insolence in Morals, as it would be in natural things to pretend to alter the relations of numbers, or to take away the properties of mathematical figures.† "Morality," says one of his most ingenious scholars, "is the practice of reason."‡

Clarke, like Cudworth, considered such a scheme as the only security against Hobbism, and probably also against the Calvinistic theology, from which they were almost as averse. Not content, with Cumberland, to attack Hobbes on ground which was in part his own, they thought it necessary to build on entirely new foundations. Clarke more especially, instead of substituting social and generous feeling for the selfish appetites, endeavoured to bestow on Morality the highest dignity, by thus deriving it from Reason. He made it more than disinterested; for he placed its seat in a region where interest never enters, and passion never disturbs. By ranking her principles with the first truths of Science, he seemed to render them pure and impartial, infallible and unchangeable. It might be excusable to regret the failure of so noble an attempt, if the indulgence of such regrets did not betray an unworthy apprehension that the same excellent ends could only be attained by such frail means; and that the dictates of the most severe reason would not finally prove reconcilable with the majesty of Virtue.

must recur to the same thing, only they do not explain how the nature and will of God is good and just." Being and Attributes of God, Proposition xii.

* Evidence of Natural and Revealed Religion, p. 4. Lond. 1724.

† Ibid. p. 42.

‡ Lowman on the Unity and Perfections of God, p. 29. Lond. 1737.

REMARKS.

The adoption of mathematical forms and terms was, in England, a prevalent fashion among writers on moral subjects during a large part of the eighteenth century. The ambition of mathematical certainty, on matters concerning which it is not given to man to reach it, is a frailty from which the disciple of Newton ought in reason to have been withheld, but to which he was naturally tempted by the example of his master. Nothing but the extreme difficulty of detaching assent from forms of expression to which it has been long wedded, can explain the fact, that the incautious expressions above cited, into which Clarke was hurried by his moral sensibility, did not awaken him to a sense of the error into which he had fallen. As soon as he had said that "a wicked act was as absurd as an attempt to take away the properties of a figure," he ought to have seen that principles which led logically to such a conclusion were untrue. As it is an impossibility to make three and three cease to be six, it ought, on his principles, to be impossible to do a wicked act. To act without regard to the relations of things — as if a man were to choose fire for cooling, or ice for heating, — would be the part either of a lunatic or an idiot. The murderer who poisons by arsenic, acts agreeably to his knowledge of the power of that substance to kill, which is a relation between two things, as much as the physician who employs an emetic after the poison, acts upon his belief of the tendency of that remedy to preserve life, which is another relation between two things. All men who seek a good or bad end by good or bad means, must alike conform their conduct to some relation between their actions as means and their object as an end. All the relations of inanimate things to each other are undoubtedly observed as much by the criminal as by the man of virtue.

It is therefore singular that Dr. Clarke suffered

himself to be misled into the representation, that Virtue is a conformity with the relations of things universally, Vice a universal disregard of them, by the certain, but here insufficient truth, that the former necessarily implied a regard to *certain particular relations*, which were always disregarded by those who chose the latter. The distinction between Right and Wrong can, therefore, no longer depend on relations as such, but on a particular class of relations. And it seems evident that no relations are to be considered, except those in which a living, intelligent, and voluntary agent is one of the beings related. His acts may relate to a law, as either observing or infringing it; they may relate to his own moral sentiments and those of his fellows, as they are the objects of approbation or disapprobation; they may relate to his own welfare, by increasing or abating it; they may relate to the well-being of other sentient beings, by contributing to promote or obstruct it: but in all these, and in all supposable cases, the inquiry of the moral philosopher must be, not whether there be a relation, but what the relation is; whether it be that of obedience to law, or agreeableness to moral feeling, or suitableness to prudence, or coincidence with benevolence. The term "relation" itself, on which Dr. Clarke's system rests, being common to Right and Wrong, must be struck out of the reasoning. He himself incidentally drops intimations which are at variance with his system. "The Deity," he tells "us, acts according to the eternal relations of things, in order to the welfare of the whole Universe;" and subordinate moral agents ought to be governed by the same rules, "for the good of the public."* No one can fail to observe that a new element is here introduced — the well-being of communities of men, and the general happiness of the world, — which supersedes the consideration of abstract relations and fitnesses.

* Evid. of Nat. and Rev. Rel. p. 4.

There are other views of this system, however, of a more general nature, and of much more importance, because they extend in a considerable degree to all systems which found moral distinctions or sentiments, solely or ultimately, upon Reason. A little reflection will discover an extraordinary vacuity in this system. Supposing it were allowed that it satisfactorily accounts for moral judgments, there is still an important part of our moral sentiments which it passes by without an attempt to explain them. Whence, on this scheme, the pleasure or pain with which we review our own actions or survey those of others? What is the nature of remorse? Why do we feel shame? Whence is indignation against injustice? These are surely no exercise of Reason. Nor is the assent of Reason to any other class of propositions followed or accompanied by emotions of this nature, by any approaching them, or indeed necessarily by any emotion at all. It is a fatal objection to a moral theory that it contains no means of explaining the most conspicuous, if not the most essential, parts of moral approbation and disapprobation.

But to rise to a more general consideration: Perception and Emotion are states of mind perfectly distinct, and an emotion of pleasure or pain differs much more from a mere perception, than the perceptions of one sense do from those of another. The perceptions of all the senses have some qualities in common. But an emotion has not necessarily anything in common with a perception, but that they are both states of mind. We perceive exactly the same qualities in the taste of coffee when we may dislike it, as afterwards when we come to like it. In other words, the perception remains the same when the sensation of pain is changed into the opposite sensation of pleasure. The like change may occur in every case where pleasure or pain (in such instances called "sensations"), enter the mind with perceptions through the eye or the ear. The prospect or the sound which was dis-

agreeable may become agreeable, without any alteration in our idea of the objects. We can easily imagine a percipient and thinking being without a capacity of receiving pleasure or pain. Such a being might perceive what we do; if we could conceive him to reason, he might reason justly; and if he were to judge at all, there seems no reason why he should not judge truly. But what could induce such a being to *will* or to *act?* It seems evident that his existence could only be a state of passive contemplation. Reason, as Reason, can never be a motive to action. It is only when we superadd to such a being sensibility, or the capacity of emotion or sentiment, or (what in corporeal cases is called sensation) of desire and aversion, that we introduce him into the world of action. We then clearly discern that, when the conclusion of a process of reasoning presents to his mind an object of desire, or the means of obtaining it, a motive of action begins to operate, and Reason may then, but not till then, have a powerful though indirect influence on conduct. Let any argument to dissuade a man from immorality be employed, and the issue of it will always appear to be an appeal to a feeling. You prove that drunkenness will probably ruin health: no position founded on experience is more certain: most persons with whom you reason must be as much convinced of it as you are. But your hope of success depends on the drunkard's fear of ill health; and he may always silence your argument by telling you that he loves wine more than he dreads sickness. You speak in vain of the infamy of an act to one who disregards the opinions of others, or of its imprudence to a man of little feeling for his own future condition. You may truly, but vainly tell of the pleasures of friendship to one who has little affection. If you display the delights of liberality to a miser, he may always shut your mouth by answering, "The spendthrift may prefer such pleasures; I love money more." If you even appeal to a man's conscience, he may answer you

that you have clearly proved the immorality of the act, and that he himself knew it before; but that now when you had renewed and freshened his conviction, he was obliged to own that his love of Virtue, even aided by the fear of dishonour, remorse, and punishment, was not so powerful as the desire which hurried him into vice.

Nor is it otherwise, however confusion of ideas may cause it to be so deemed, with that calm regard to the welfare of the agent, to which philosophers have so grossly misapplied the hardly intelligible appellation of "self-love." The general tendency of right conduct to permanent well-being is indeed one of the most evident of all truths. But the success of persuasives or dissuasives addressed to it, must always be directly proportioned, not to the clearness with which the truth is discerned, but to the strength of the principle addressed, in the mind of the individual, and to the degree in which he is accustomed to keep an eye on its dictates. A strange prejudice prevails, which ascribes to what is called "self-love" an invariable superiority over all the other motives of human action. If it were to be called by a more fit name, such as "foresight," "prudence," or, what seems most exactly to describe its nature, "a sympathy with the future feelings of the agent," it would appear to every observer to be one very often too languid and inactive, always of late appearance, and sometimes so faint as to be scarcely perceptible. Almost every human passion in its turn prevails over self-love.

It is thus apparent that the influence of Reason on the Will is indirect, and arises only from its being one of the channels by which the objects of desire or aversion are brought near to these springs of voluntary action. It is only one of these channels. There are many other modes of presenting to the mind the proper objects of the emotions which it is intended to excite, whether of a calmer or of a more active nature; so that they may influence conduct more powerfully

than when they reach the Will through the channel of conviction. The distinction between conviction and persuasion would indeed be otherwise without a meaning; to teach the mind would be the same thing as to move it; and eloquence would be nothing but logic, although the greater part of the power of the former is displayed in the direct excitement of feeling:—on condition, indeed (for reasons foreign to our present purpose), that the orator shall never appear to give counsel inconsistent with the duty or the lasting welfare of those whom he would persuade. In like manner it is to be observed, that though reasoning be one of the instruments of education, yet education is not a process of reasoning, but a wise disposal of all the circumstances which influence character, and of the means of producing those habitual dispositions which insure well-doing, of which reasoning is but one. Very similar observations are applicable to the great arts of legislation and government; which are here only alluded to as forming a strong illustration of the present argument.

The abused extension of the term "Reason" to the moral faculties, one of the predominant errors of ancient and modern times, has arisen from causes which it is not difficult to discover. Reason does in truth perform a great part in every case of moral sentiment. To Reason often belong the preliminaries of the act; to Reason altogether belongs the choice of the means of execution. The operations of Reason, in both cases, are comparatively slow and lasting; they are capable of being distinctly recalled by memory. The emotion which intervenes between the previous and the succeeding exertions of Reason is often faint, generally transient, and scarcely ever capable of being reproduced by an effort of the mind. Hence the name of Reason is applied to this mixed state of mind; more especially when the feeling, being of a cold and general nature, and scarcely ruffling the surface of the soul,— such as that of prudence and of ordinary kind-

ness and propriety,—almost passes unnoticed, and is irretrievably forgotten. Hence the mind is, in such conditions, said by moralists to act from *reason*, in contradistinction to its more excited and disturbed state, when it is said to act from *passion*. The calmness of Reason gives to the whole compound the appearance of unmixed reason. The illusion is further promoted by a mode of expression used in most languages. A man is said to act reasonably, when his conduct is such as may be reasonably expected. Amidst the disorders of a vicious mind, it is difficult to form a reasonable conjecture concerning future conduct; but the quiet and well-ordered state of Virtue renders the probable acts of her fortunate votaries the object of very rational expectation.

As far as it is not presumptuous to attempt a distinction between modes of thinking foreign to the mind which makes the attempt, and modes of expression scarcely translatable into the only technical language in which that mind is wont to think, it seems that the systems of Cudworth and Clarke, though they appear very similar, are in reality different in some important points of view. The former, a Platonist, sets out from those "Ideas" (a word, in this acceptation of it, which has no corresponding term in English), the eternal models of created things, which, as the Athenian master taught, pre-existed in the Everlasting Intellect, and, of right, rule the will of every inferior mind. The illustrious scholar of Newton, with a manner of thinking more natural to his age and school, considered primarily the very relations of things themselves; — conceived indeed by the Eternal Mind, but which, if such inadequate language may be pardoned, are the law of Its will, as well as the model of Its works.*

* Mr. Wollaston's system, that morality consistod in acting according to truth, seems to coincide with that of Dr. Clarke. The murder of Cicero by Popilius Lenas, was, according to him, a practical falsehood; for Cicero had been his benefactor, and

EARL OF SHAFTESBURY.*

Lord Shaftesbury, the author of the Characteristics, was the grandson of Sir Antony Ashley Cooper, created Earl of Shaftesbury, one of the master spirits of the English nation, whose vices, the bitter fruits of the insecurity of a troublous time, succeeded by the corrupting habits of an inconstant, venal, and profligate court, have led an ungrateful posterity to overlook his wisdom and disinterested perseverance, in obtaining for his country the unspeakable benefits of the Habeas Corpus act. The fortune of the Characteristics has been singular. For a time the work was admired more undistinguishingly than its literary character warrants. In the succeeding period it was justly criticised, but too severely condemned. Of late, more unjustly than in either of the former cases, it has been generally neglected. It seemed to have the power of changing the temper of its critics. It provoked the amiable Berkeley to a harshness equally unwonted and unwarranted†; while it softened the rugged Warburton so far as to dispose the fierce, yet not altogether ungenerous, polemic to praise an enemy in the very heat of conflict.‡

Popilius acted as if that were untrue. If the truth spoken of be that gratitude is due for benefits, the reasoning is evidently a circle. If *any truth* be meant, indifferently, it is plain that the assassin acted in perfect conformity to several certain truths; — such as the malignity of Antony, the ingratitude and venality of Popilius, and the probable impunity of his crime, when law was suspended, and good men without power.

* Born, 1671; died, 1713.

† See Minute Philosopher, Dialogue iii.; but especially his Theory of Vision Vindicated, Lond. 1733 (not republished in the quarto edition of his works), where this most excellent man sinks for a moment to the level of a railing polemic.

‡ It is remarkable that the most impure passages of Warburton's composition are those in which he lets loose his controversial zeal, and that he is a fine writer principally where he writes from generous feeling. "Of all the virtues which were so much in this noble writer's heart and in his writings, there was not one he

...ibnitz, the most celebrated of Continental philo...phers, warmly applauded the Characteristics, and, (what was a more certain proof of admiration) though at an advanced age, criticised that work minutely.* Le Clerc, who had assisted the studies of the author, contributed to spread its reputation by his Journal, then the most popular in Europe. Locke is said to have aided in his education, probably rather by counsel than by tuition. The author had indeed been driven from the regular studies of his country by the insults with which he was loaded at Winchester school, when he was only twelve years old, immediately after the death of his grandfather†;—a choice of time which seemed not so much to indicate anger against the faults of a great man, as triumph over the principles of liberty, which seemed at that time to have fallen for ever. He gave a genuine proof of respect for freedom of thought by preventing the expulsion, from Holland, of Bayle, (from whom he differs in every moral, political, and, it may be truly added, religious opinion) when, it must be owned, the right of asylum was, in strict justice, forfeited by the secret

more revered than the love of public liberty... The noble author of the Characteristics had many excellent qualities, both as a man and a writer: he was temperate, chaste, honest, and a lover of his country. In his writings he has shown how much he has imbibed the deep sense, and how naturally he could copy the gracious manner of Plato. (Dedication to the Freethinkers, prefixed to the Divine Legation.) He, however, soon relapses, but not without excuse; for he thought himself vindicating the memory of Locke.

* Op. iii. 39—56.

† [With regard to this story, authorised as it is, the Editor cannot help, on behalf of his own "nursing mother," throwing out some suspicion that the Chancellor's politics must have been made use of somewhat as a scapegoat; else the nature of boys was at that time more excitable touching their schoolmates' grandfathers than it is now. There is a rule traditionally observed in College, "that no boy has a right to think till he has forty juniors;" upon which rock the cock-boat of the embryo metaphysician might have foundered.]

services which the philosopher had rendered to the enemy of Holland and of Europe. In the small part of his short life which premature infirmities allowed him to apply to public affairs, he co-operated zealously with the friends of freedom; but, as became a moral philosopher, he supported, even against them, a law to allow those who were accused of treason to make their defence by counsel, although the parties first to benefit from this act of imperfect justice were persons conspired together to assassinate King William, and to re-enslave their country. On that occasion it is well known with what admirable quickness he took advantage of the embarrassment which seized him, when he rose to address the House of Commons. "If I," said he, "who rise only to give my opinion on this bill, am so confounded that I cannot say what I intended, what must the condition of that man be, who, without assistance, is pleading for his own life!" Lord Shaftesbury was the friend of Lord Somers; and the tribute paid to his personal character by Warburton, who knew many of his contemporaries and some of his friends, may be considered as evidence of its excellence.

His fine genius and generous spirit shine through his writings; but their lustre is often dimmed by peculiarities, and, it must be said, by affectations, which, originating in local, temporary, or even personal circumstances, are particularly fatal to the permanence of fame. There is often a charm in the egotism of an artless writer, or of an actor in great scenes: but other laws are imposed on the literary artist. Lord Shaftesbury, instead of hiding himself behind his work, stands forward with too frequent marks of self-complacency, as a nobleman of polished manners, with a mind adorned by the fine arts, and instructed by ancient philosophy; shrinking with a somewhat effeminate fastidiousness from the clamour and prejudices of the multitude, whom he neither deigns to conciliate, nor puts forth his strength to subdue. The enmity of

the majority of churchmen to the government established at the Revolution, was calculated to fill his mind with angry feelings; which overflowed too often, if not upon Christianity itself, yet upon representations of it, closely intertwined with those religious feelings to which, in other forms, his own philosophy ascribes surpassing worth. His small, and occasional writings, of which the main fault is the want of an object or a plan, have many passages remarkable for the utmost beauty and harmony of language. Had he imbibed the simplicity, as well as copied the expression and cadence, of the greater ancients, he would have done more justice to his genius; and his works, like theirs, would have been preserved by that first-mentioned quality, without which, but a very few writings, of whatever mental power, have long survived their writers. Grace belongs only to natural movements; and Lord Shaftesbury, notwithstanding the frequent beauty of his thoughts and language, has rarely attained it. He is unfortunately prone to pleasantry, which is obstinately averse from constraint, and which he had no interest in raising to be the test of truth. His affectation of liveliness as a man of the world, tempts him sometimes to overstep the indistinct boundaries which separate familiarity from vulgarity. Of his two more considerable writings, The Moralists, on which he evidently most valued himself, and which is spoken of by Leibnitz with enthusiasm, is by no means the happiest. Yet perhaps there is scarcely any composition in our language more lofty in its moral and religious sentiments, and more exquisitely elegant and musical in its diction, than the Platonic representation of the scale of beauty and love, in the speech to Palemon, near the close of the first part.* Many passages might be quoted, which in some measure justify the enthusiasm of the septuagenarian geometer. Yet it is not to be concealed that, as a whole,

* § 3.

it is heavy and languid. It is a modern antique. The dialogues of Plato are often very lively representations of conversations which might take place daily at a great university, full, like Athens, of rival professors and eager disciples, between men of various character, and great fame as well as ability. Socrates runs through them all. His great abilities, his still more venerable virtues, his cruel fate, especially when joined to his very characteristic peculiarities,—to his grave humour, to his homely sense, to his assumed humility, to the honest slyness with which he ensnared the Sophists, and to the intrepidity with which he dragged them to justice, gave unity and dramatic interest to these dialogues as a whole. But Lord Shaftesbury's dialogue is between fictitious personages, and in a tone at utter variance with English conversation. He had great power of thought and command over words; but he had no talent for inventing character and bestowing life on it.

The Inquiry concerning Virtue* is nearly exempt from the faulty peculiarities of the author; the method is perfect, the reasoning just, the style precise and clear. The writer has no purpose but that of honestly proving his principles; he himself altogether disappears; and he is intent only on earnestly enforcing what he truly, conscientiously, and reasonably believes. Hence the charm of simplicity is revived in this production, which is unquestionably entitled to a place in the first rank of English tracts on moral philosophy. The point in which it becomes especially pertinent to the subject of this Dissertation is, that it contains more intimations of an original and important nature on the theory of Ethics than perhaps any preceding work of modern times.† It is true that they

* Characteristics, treatise iv.

† I am not without suspicion that I have overlooked the claims of Dr. Henry More, who, notwithstanding some uncouthness of language, seems to have given the first intimations of a distinct moral faculty, which he calls "the Boniform Faculty;" a phrase

are often but intimations, cursory, and appearing almost to be casual; so that many of them have escaped the notice of most readers, and even writers on these subjects. That the consequences of some of them are even yet not unfolded, must be owned to be a proof that they are inadequately stated; and may be regarded as a presumption that the author did not closely examine the bearings of his own positions. Among the most important of these suggestions is, the existence of dispositions in man, by which he takes pleasure in the well-being of others, without any further view; — a doctrine, however, to all the consequences of which he has not been faithful in his other writings.* Another is, that goodness consists in the prevalence of love for the system of which we are a part, over the passions pointing to our individual welfare; — a proposition which somewhat confounds the motives of right acts with their tendency, and seems to favour the melting of all particular affections into general benevolence, because the tendency of these affections is to general good. The next, and certainly the most original, as well as important, is, that there are certain affections of the mind which, being contemplated by the mind itself through what he calls "a reflex sense," become the objects of love, or the contrary, according to their nature. So approved and loved, they constitute *virtue* or *merit*, as distinguished from mere *goodness*, of which there are traces in animals who do not appear to *reflect* on the state of their own minds, and who seem, therefore, destitute of what he elsewhere calls "a moral sense." These

against which an outcry would now be raised as German. Happiness, according to him, consists in a constant satisfaction, εν τῳ ἀγαθοειδει της ψυχης. Enchiridion Ethicum, lib. i. cap. ii.

* "It is the height of wisdom no doubt to be rightly selfish." Charact. i. 121. The observation seems to be taken from what Aristotle says of Φιλαυτία: Τον μεν ἀγαθον δει φίλαυτον εἶναι. Ethics, lib. ix. c. viii. The chapter is admirable, and the assertion of Aristotle is very capable of a good sense.

statements are, it is true, far too short and vague. He nowhere inquires into the origin of the reflex sense: what is a much more material defect, he makes no attempt to ascertain in what state of mind it consists. We discover only by implication, and by the use of the term "sense," that he searches for the fountain of moral sentiments, not in mere reason, where Cudworth and Clarke had vainly sought for it, but in the heart, whence the main branch of them assuredly flows. It should never be forgotten, that we owe to these hints the reception, into ethical theory, of a moral sense; which, whatever may be thought of its origin, or in whatever words it may be described, must always retain its place in such theory as a main principle of our moral nature.

His demonstration of the utility of Virtue to the individual, far surpasses all other attempts of the same nature; being founded, not on a calculation of outward advantages or inconveniences, alike uncertain, precarious, and degrading, but on the unshaken foundation of the delight, which is of the very essence of social affection and virtuous sentiment; on the dreadful agony inflicted by all malevolent passions upon every soul that harbours the hellish inmates; on the all-important truth, that to love is to be happy, and to hate is to be miserable, — that affection is its own reward, and ill-will its own punishment; or, as it has been more simply and more affectingly, as well as with more sacred authority, taught, that "to give is more blessed than to receive," and that to love one another is the sum of all human virtue.

The relation of Religion to Morality, as far as it can be discovered by human reason, was never more justly or more beautifully stated. If he represents the mere hope of reward and dread of punishment as selfish, and therefore inferior motives to virtue and piety, he distinctly owns their efficacy in reclaiming from vice, in rousing from lethargy, and in guarding a feeble penitence; in all which he coincides with

illustrious and zealous Christian writers. "If by the hope of reward be understood the love and desire of virtuous enjoyment, or of the very practice and exercise of virtue in another life; an expectation or hope of this kind is so far from being derogatory from virtue, that it is an evidence of our loving it the more sincerely and *for its own sake.*"*

FENELON.† — BOSSUET.‡

As the last question, though strictly speaking theological, is yet in truth dependent on the more general question, which relates to the reality of dis-

* Inquiry, book i. part iii. § 3. So Jeremy Taylor; "He that is grown in grace pursues virtue purely and simply for its own interest. When persons come to that height of grace, and love God for himself, that is but heaven in another sense." (Sermon on Growth in Grace.) So before him the once celebrated Mr. John Smith of Cambridge: "The happiness which good men shall partake is not distinct from their godlike nature. Happiness and holiness are but two several notions of one thing. Hell is rather a nature than a place, and heaven cannot be so well defined by anything *without* us, as by something *within* us." (Select Discourses, 2d edit. Cambridge, 1673.) In accordance with these old authorities is the recent language of a most ingenious as well as benevolent and pious writer. "The *holiness* of heaven is still more attractive to the Christian than its *happiness*. The desire of doing that which is right for its own sake is a part of his desire after heaven." (Unconditional Freeness of the Gospel, by T. Erskine, Esq., Edinb. 1828, pp. 32, 33.) See also the Appendix to Ward's Life of Henry More, Lond. 1710, pp. 247—271. This account of that ingenious and amiable philosopher contains an interesting view of his opinions, and many beautiful passages of his writings, but unfortunately very few particulars of the man. His letters on Disinterested Piety (see the Appendix to Mr. Ward's work), his boundless charity, his zeal for the utmost toleration, and his hope of general improvement from "a pacific and perspicacious posterity," place him high in the small number of true philosophers who, in their estimate of men, value dispositions more than opinions, and in their search for good, more often look forward than backward.

† Born, 1651; died, 1715. ‡ Born, 1627; died, 1704.

interested affections in human nature, it seems not foreign from the present purpose to give a short account of a dispute on the subject in France, between two of the most eminent persons of their time; namely, the controversy between Fenelon and Bossuet, concerning the possibility of men being influenced by the pure and disinterested love of God. Never were two great men more unlike. Fenelon in his writings exhibits more of the qualities which predispose to religious feelings, than any other equally conspicuous person; a mind so pure as steadily to contemplate supreme excellence; a heart capable of being touched and affected by the contemplation; a gentle and modest spirit, not elated by the privilege, but seeing clearer its own want of worth as it came nearer to such brightness, and disposed to treat with compassionate forbearance those errors in others, of which it felt an humbling consciousness. Bossuet was rather a great minister in the ecclesiastical commonwealth; employing knowledge, eloquence, argument, the energy of his character, the influence, and even the authority of his station, to vanquish opponents, to extirpate revolters, and sometimes with a patrician firmness, to withstand the dictatorial encroachment of the Roman Pontiff on the spiritual aristocracy of France. Fenelon had been appointed tutor to the Duke of Burgundy. He had all the qualities which fit a man to be the preceptor of a prince, and which most disable him to get or to keep the office. Even birth, and urbanity, and accomplishment, and vivacity, were an insufficient atonement for his genius and virtue. Louis XIV. distrusted so fine a spirit, and appears to have early suspected, that a fancy moved by such benevolence might imagine examples for his grandson which the world would consider as a satire on his own reign. Madame de Maintenon, indeed, favoured him; but he was generally believed to have forfeited her good graces by discouraging her projects for at least a nearer approach to a seat on the throne. He offended

her too by obeying her commands, in laying before her an account of her faults, and some of those of her royal husband, which was probably the more painfully felt for its mildness, justice, and refined observation.* An opportunity for driving such an intruder from a court presented itself somewhat strangely, in the form of a subtile controversy on one of the most abstruse questions of metaphysical theology. Molinos, a Spanish priest, reviving and perhaps exaggerating the maxims of the ancient Mystics, had recently taught, that Christian perfection consisted in the pure love of God, without hope of reward or fear of punishment. This offence he expiated by seven years' imprisonment in the dungeons of the Roman Inquisition. His opinions were embraced by Madame Guyon, a pious French lady of strong feeling and active imagination, who appears to have expressed them in a hyperbolical language, not infrequent in devotional exercises, especially in those of otherwise amiable persons of her sex and character. In the fervour of her zeal, she disregarded the usages of the world and the decorum imposed on females. She left her family, took a part in public conferences, and assumed an independence scarcely reconcilable with the more ordinary and more pleasing virtues of women. Her pious effusions were examined with the rigour which might be excusable if exercised on theological propositions. She was falsely charged by Harlay, the dissolute Archbishop of Paris, with personal licentiousness. For these crimes she was dragged from convent to convent, imprisoned for years in the Bastile, and, as an act of mercy, confined during the latter years of her life to a provincial town, as a prison at large. A piety thus pure and disinterested could not fail to please Fenelon. He published a work in justification of Madame Guyon's character, and in explanation of the degree in which he agreed with her. Bossuet, the oracle and champion

* Bausset, Histoire de Fénélon, i. 252.

of the Church, took up arms against him. It would be painful to suppose that a man of such great powers was actuated by mean jealousy; and it is needless. The union of zeal for opinion with the pride of authority, is apt to give sternness to the administration of controversial bishops; to say nothing of the haughty and inflexible character of Bossuet himself. He could not brook the independence of him who was hitherto so docile a scholar and so gentle a friend. He was jealous of novelties, and dreaded a fervour of piety likely to be ungovernable, and productive of movements of which no man could foresee the issue. It must be allowed that he had reason to be displeased with the indiscretion and turbulence of the innovators, and might apprehend that, in preaching motives to virtue and religion which he thought unattainable, the coarser but surer foundations of common morality might be loosened. A controversy ensued, in which he employed the utmost violence of polemical or factious contest. Fenelon replied with brilliant success, and submitted his book to the judgment of Rome. After a long examination, the commission of ten Cardinals appointed to examine it were equally divided, and he seemed in consequence about to be acquitted. But Bossuet had in the mean time easily gained Louis XIV. Madame de Maintenon betrayed Fenelon's confidential correspondence; and he was banished to his diocese, and deprived of his pensions and official apartments in the palace. Louis XIV. regarded the slightest differences from the authorities of the French church as rebellion against himself. Though endowed with much natural good sense, he was too grossly ignorant to be made to comprehend one of the terms of the question in dispute. He did not, however, scruple to urge the Pope to the condemnation of Fenelon. Innocent XII. (Pignatelli) an aged and pacific Pontiff, was desirous of avoiding such harsh measures. He said that "the Archbishop of Cambray might have erred from excess in the love of God,

but the Bishop of Meaux had sinned by a defect of the love of his neighbour."* But he was compelled to condemn a series of propositions, of which the first was, "There is an habitual state of love to God, which is pure from every motive of personal interest, and in which neither the fear of punishment nor the hope of reward has any part."† Fenelon read the bull which condemned him in his own cathedral, and professed as humble a submission as the lowest of his flock. In some of the writings of his advanced years, which have been recently published, we observe with regret that, when wearied out by his exile, ambitious to regain a place at court through the Jesuits, or prejudiced against the Calvinising doctrines of the Jansenists, the strongest anti-papal party among Catholics, or somewhat detached from a cause of which his great antagonist had been the victorious leader, he made concessions to the absolute monarchy of Rome, which did not become a luminary of the Gallican church.‡

Bossuet, in his writings on this occasion, besides tradition and authorities, relied mainly on the supposed principle of philosophy, that man must desire his own happiness, and cannot desire anything else, otherwise than as a means towards it; which renders the controversy an incident in the history of Ethics. It is immediately connected with the preceding part of this Dissertation, by the almost literal coincidence between Bossuet's foremost objection to the disinterested piety contended for by Fenelon, and the fundamental position of a very ingenious and once-noted divine of the English church, in his attack on the disinterested affections, believed by Shaftesbury to be a part of human nature.§

* Bausset, Histoire de Fénélon, ii. 220. note.

† Œuvres de Bossuet, viii. 308. (Liege, 1767.)

‡ De Summi Pontificis Auctoritate Dissertatio.

§ "Hæc est natura voluntatis humanæ, ut et beatitudinem, et ea quorum necessaria connexio cum beatitudine clare intelligitur, *necessario* appetat...Nullus est actus ad quem revera non impel-

LEIBNITZ.*

There is a singular contrast between the form of Leibnitz's writings and the character of his mind. The latter was systematical, even to excess. It was the vice of his prodigious intellect, on every subject of science where it was not bound by geometrical chains, to confine his view to those most general principles, so well called by Bacon "merely notional," which render it, indeed, easy to build a system, but only because they may be alike adapted to every state of appearances, and become thereby really inapplicable to any. Though his genius was thus naturally turned to system, his writings were, generally, occasional and miscellaneous. The fragments of his doctrines are scattered in reviews; or over a voluminous literary correspondence; or in the prefaces and introductions to those compilations to which this great philosopher was obliged by his situation to descend. This defective and disorderly mode of publication arose partly from the conflicts between business and study, inevitable in his course of life; but probably yet more from the nature of his system, which while it widely deviates from the most general principles of former philosophers, is ready to

limur motivo beatitudinis, explicite vel *implicite;*" meaning by the latter that it may be concealed from ourselves, as he says, *for a short time*, by a nearer object. Œuvres de Bossuet, viii. 80. "The only motive by which individuals *can* be induced to the practice of virtue, *must* be the feeling or the prospect of private happiness." Brown's Essays on the Characteristics, p. 159. Lond. 1752. It must, however, be owned, that the selfishness of the Warburtonian is more rigid; making no provision for the object of one's own happiness slipping out of view for a moment. It is due to the very ingenious author of this forgotten book to add, that it is full of praise of his adversary, which, though just, was in the answerer generous; and that it contains an assertion of the *unbounded* right of public discussion, unusual even at the tolerant period of its appearance.

* Born, 1646; died, 1716.

embrace their particular doctrines under its own generalities, and thus to reconcile them to each other, as well as to accommodate itself to popular or established opinions, and compromise with them, according to his favourite and oft-repeated maxim, "that most received doctrines are capable of a good sense*," by which last words our philosopher meant a sense reconcilable with his own principles. Partial and occasional exhibitions of these principles suited better that constant negotiation with opinions, establishments, and prejudices, to which extreme generalities are well adapted, than would have a full and methodical statement of the whole at once. It is the lot of every philosopher who attempts to make his principles extremely flexible, that they become like those tools which bend so easily as to penetrate nothing. Yet his manner of publication perhaps led him to those wide intuitions, as comprehensive as those of Bacon, of which he expressed the result as briefly and pithily as Hobbes. The fragment which contains his ethical principles is the preface to a collection of documents illustrative of international law, published at Hanover in 1693†, to which he often referred as his standard afterwards, especially when he speaks of Lord Shaftesbury, or of the controversy between the two great theologians of France. "Right," says he, "is moral power; obligation, moral necessity. By 'moral' I understand what with a good man prevails as much as if it were physical. A good man is he who loves all men as far as reason allows. Justice is the benevolence of a wise man. To love is to be pleased with the happiness of another; or, in other words, to convert the happiness of another into a part of one's own. Hence is explained

* "Nouveaux Essais sur l'Entendement Humain," liv. i. chap. ii. These Essays, which form the greater part of the publication entitled "Œuvres Philosophiques," edited by Raspe, Amst. et Leipz. 1765, are not included in Dutens' edition of Leibnitz's works.

† Codex Juris Gentium Diplomaticus. Hanov. 1695.

the possibility of a disinterested love. When we are pleased with the happiness of any being, his happiness becomes one of our enjoyments. Wisdom is the science of happiness." *

REMARKS.

It is apparent from the above passage, that Leibnitz had touched the truth on the subject of disinterested affection; and that he was more near clinging to it than any modern philosopher, except Lord Shaftesbury. It is evident, however, from the latter part of it, that, like Shaftesbury, he shrunk from his own just conception; under the influence of that most ancient and far-spread prejudice of the schools, which assumed that such an abstraction as "Happiness" could be the object of love, and that the desire of so faint, distant, and refined an object, was the first principle of all moral nature, and that of it every other desire was only a modification or a fruit. Both he and Shaftesbury, however, when they relapsed into the selfish system, embraced it in its most refined form; considering the benevolent affections as valuable parts of our own happiness, not in consequence of any of their effects or extrinsic advantages, but of that intrinsic delightfulness which was inherent in their very essence. But Leibnitz considered this refined pleasure as the object in the view of the benevolent man; an absurdity, or rather a contradiction, which, at least in the Inquiry concerning Virtue, Shaftesbury avoids. It will be seen from Leibnitz's limitation, taken together with his definition of Wisdom, that he regarded the distinction of the moral sentiments from the social affections, and the just subordination of the latter, as entirely founded on the tendency of general happiness to increase that of the agent, not merely as being real, but as being present to the agent's mind when he acts. In a subsequent passage he lowers his tone not a little.

* See Note N.

"As for the sacrifice of life, or the endurance of the greatest pain for others, these things are rather generously enjoined than solidly demonstrated by philosophers. For honour, glory, and self-congratulation, to which they appeal under the name of Virtue, are indeed mental pleasures, and of a high degree, but not to all, nor outweighing every bitterness of suffering; since all cannot imagine them with equal vivacity, and that power is little possessed by those whom neither education, nor situation, nor the doctrines of Religion or Philosophy, have taught to value mental gratifications."* He concludes very truly, that Morality is completed by a belief of moral government. But the Inquiry concerning Virtue had reached that conclusion by a better road. It entirely escaped his sagacity, as it has that of nearly all other moralists, that the coincidence of Morality with well-understood interest in our outward actions, is very far from being the most important part of the question; for these actions flow from habitual dispositions, from affections and sensibilities, which determine their nature. There may be, and there are many immoral acts, which, in the sense in which words are commonly used, are advantageous to the actor. But the whole sagacity and ingenuity of the world may be safely challenged to point out a case in which virtuous dispositions, habits, and feelings, are not conducive in the highest degree to the happiness of the individual; or to maintain that he is not the happiest, whose moral sentiments and affections are such as to prevent the possibility of any unlawful advantage being presented to his mind. It would indeed have been impossible to prove to Regulus that it was his interest to return to a death of torture in Africa. But what, if the proof had been easy? The most thorough conviction on such a point would not have enabled him to set this example, if he had not been supported by his own in-

* See Note N.

tegrity and generosity, by love of his country, and reverence for his pledged faith. What could the conviction add to that greatness of soul, and to these glorious attributes? With such virtues he could not act otherwise than he did. Would a father affectionately interested in a son's happiness, of very lukewarm feelings of morality, but of good sense enough to weigh gratifications and sufferings exactly, be really desirous that his son should have these virtues in a less degree than Regulus, merely because they might expose him to the fate which Regulus chose? On the coldest calculation he would surely perceive, that the high and glowing feelings of such a mind during life altogether throw into shade a few hours of agony in leaving it. And, if he himself were so unfortunate that no more generous sentiment arose in his mind to silence such calculations, would it not be a reproach to his understanding not to discover, that, though in one case out of millions such a character might lead a Regulus to torture, yet, in the common course of nature, it is the source not only of happiness in life, but of quiet and honour in death? A case so extreme as that of Regulus will not perplex us, if we bear in mind, that though we cannot prove the *act* of heroic virtue to be conducive to the interest of the hero, yet we may perceive at once, that nothing is so conducive to his interest as to have a mind so formed that it could not shrink from it, but must rather embrace it with gladness and triumph. Men of vigorous health are said sometimes to suffer most in a pestilence. No man was ever so absurd as for that reason to wish that he were more infirm. The distemper might return once in a century: if he were then alive, he might escape it; and even if he fell, the balance of advantage would be in most cases greatly on the side of robust health. In estimating beforehand the value of a strong bodily frame, a man of sense would throw the small chance of a rare and short evil entirely out of the account. So must the coldest and most selfish

moral calculator, who, if he be sagacious and exact, must pronounce, that the inconveniences to which a man may be sometimes exposed by a pure and sound mind, are no reasons for regretting that we do not escape them by possessing minds more enfeebled and distempered. Other occasions will call our attention, in the sequel, to this important part of the subject; but the great name of Leibnitz seemed to require that his degrading statement should not be cited without warning the reader against its egregious fallacy.

MALEBRANCHE.*

This ingenious philosopher and beautiful writer is the only celebrated Cartesian who has professedly handled the theory of Morals.† His theory has in some points of view a conformity to the doctrine of Clarke; while in others it has given occasion to his English follower Norris‡ to say, that if the Quakers understood their own opinion of the illumination of all men, they would explain it on the principles of Malebranche. "There is," says he, "one parent virtue, the universal virtue, the virtue which renders us just and perfect, the virtue which will one day render us happy. It is the only virtue. It is the love of the universal order, as it eternally existed in the Divine Reason, where every created reason contemplates it. This order is composed of practical as well as speculative truth. Reason perceives the moral superiority of one being over another, as immediately as the equality of the radii of the same circle. The relative perfection of beings is that part of the immovable order to which men must conform their minds

* Born, 1638; died, 1715.

† Traité de Morale. Rotterdam, 1684.

‡ Author of the Theory of the Ideal World, who well copied, though he did not equal, the clearness and choice of expression which belonged to his master.

and their conduct. The love of order is the whole of virtue, and conformity to order constitutes the morality of actions." It is not difficult to discover, that in spite of the singular skill employed in weaving this web, it answers no other purpose than that of hiding the whole difficulty. The love of universal order, says Malebranche, requires that we should value an animal more than a stone, because it is more valuable; and love God infinitely more than man, because he is infinitely better. But without *presupposing* the reality of moral distinctions, and the power of moral feelings, — the two points to be proved, how can either of these propositions be evident, or even intelligible? To say that a love of the Eternal Order will produce the love and practice of every virtue, is an assertion untenable, unless we take Morality for granted, and useless, if we do. In his work on Morals, all the incidental and secondary remarks are equally well considered and well expressed. The manner in which he applied his principle to the particulars of human duty, is excellent. He is perhaps the first philosopher who has precisely laid down and rigidly adhered to the great principle, *that Virtue consists in pure intentions and dispositions of mind*, without which, actions, however conformable to rules, are not truly moral; — a truth of the highest importance, which, in the theological form, may be said to have been the main principle of the first Protestant Reformers. The ground of piety, according to him, is the conformity of the attributes of God to those moral qualities which we irresistibly love and revere.* "Sovereign princes," says he, "have no right to use their authority without reason. Even God has no

* "Il faut aimer l'Etre infiniment parfait, et non pas un fantôme épouvantable, un Dieu injuste, absolu, puissant, mais sans bonté et sans sagesse. S'il y avoit un tel Dieu, le vrai Dieu nous défendroit de l'adorer et de l'aimer. Il y a peut-être plus de danger d'offenser Dieu lorsqu'on lui donne une forme si horrible, que de mépriser son fantôme." Traité de Morale, chap. viii.

such miserable right."* His distinction between a religious society and an established church, and his assertion of the right of the temporal power alone to employ coercion, are worthy of notice, as instances in which a Catholic, at once philosophical and orthodox, could thus speak, not only of the nature of God, but of the rights of the Church.

JONATHAN EDWARDS.†

This remarkable man, the metaphysician of America, was formed among the Calvinists of New England, when their stern doctrine retained its rigorous authority.‡ His power of subtile argument, perhaps unmatched, certainly unsurpassed among men, was joined, as in some of the ancient Mystics, with a character which raised his piety to fervour. He embraced their doctrine, probably without knowing it to be theirs. "True religion," says he, "in a great measure, consists in holy affections. A love of divine things, for the beauty and sweetness of their moral excellency, is the spring of all holy affections."§ Had he suffered this noble principle to take the right road to all its fair consequences, he would have entirely concurred with Plato, with Shaftesbury, and Malebranche, in devotion to "the first good, first perfect, and first fair." But he thought it necessary afterwards to limit his doctrine to his own persuasion, by denying that such moral excellence could be discovered in divine things by those Christians who did not take the same view as he did of their religion. All others, and some who hold his doctrines with a more enlarged spirit, may adopt his principle without any limitation. His ethical

* Traité de Morale, chap. xxii.

† Born in 1703, at Windsor in Connecticut; died in 1758, at Princeton in New Jersey.

‡ See Note O.

§ On Religious Affections, pp. 4. 187.

theory is contained in his Dissertation on the Nature of True Virtue; and in another, On God's chief End in the Creation, published in London thirty years after his death. True virtue, according to him, consists in benevolence, or love to "being in general," which he afterwards limits to "intelligent being," though "sentient" would have involved a more reasonable limitation. This good-will is felt towards a particular being, first in proportion to his degree of existence (for, says he, "that which is great has more existence, and is farther from nothing, than that which is little;") and secondly, *in proportion to the degree in which that particular being feels benevolence to others*. Thus God, having infinitely more existence and benevolence than man, ought to be infinitely more loved; and for the same reason, God must love Himself infinitely more than He does all other beings.* He can act only from regard to Himself, and His end in creation can only be to manifest His whole nature, which is called acting for His own glory.

As far as Edwards confines himself to created beings, and while his theory is perfectly intelligible, it coincides with that of universal benevolence, hereafter to be considered. The term "being" is a mere encumbrance, which serves indeed to give it a mysterious outside, but brings with it from the schools nothing except their obscurity. He was betrayed into it, by the cloak which it threw over his really unmeaning assertion or assumption, that there are *degrees of existence;* without which that part of his system which relates to the Deity would have appeared to be as baseless as it really is. When we try such a phrase by applying it to matters within the sphere of our

* The coincidence of Malebranche with this part of Edwards, is remarkable. Speaking of the Supreme Being, he says, "Il s'aime invinciblement." He adds another more startling expression, "Certainement Dieu ne peut agir que pour lui-même: il n'a point d'autre motif que son amour propre." Traité de Morale, chap. xvii.

experience, we see that it means nothing but *degrees* of certain faculties and powers. But the very application of the term "being" to all things, shows that the least perfect has as much being as the most perfect; or rather that there can be no difference, so far as that word is concerned, between two things to which it is alike applicable. The justness of the compound proportion on which human virtue is made to depend, is capable of being tried by an easy test. If we suppose the greatest of evil spirits to have a hundred times the bad passions of Marcus Aurelius, and at the same time a hundred times his faculties, or, in Edwards's language, a hundred times his quantity of "being," it follows from this moral theory, that we ought to esteem and love the devil exactly in the same degree as we esteem and love Marcus Aurelius.

The chief circumstance which justifies so much being said on the last two writers, is their concurrence in a point towards which ethical philosophy had been slowly approaching, from the time of the controversies raised up by Hobbes. They both indicate the increase of this tendency, by introducing an element into their theory, foreign from those cold systems of ethical abstraction, with which they continued in other respects to have much in common. Malebranche makes virtue consist in the love of "order," Edwards in the love of "being." In this language we perceive a step beyond the representation of Clarke, which made it a conformity to the relations of things; but a step which cannot be made without passing into a new province;—without confessing, by the use of the word "love," that not only perception and reason, but emotion and sentiment, are among the fundamental principles of Morals. They still, however, were so wedded to scholastic prejudice, as to choose two of the most aërial abstractions which can be introduced into argument,—"being" and "order,"—to be the objects of those strong active feelings which were to govern the human mind.

BUFFIER.*

The same strange disposition to fix on abstractions as the objects of our primitive feelings, and the end sought by our warmest desires, manifests itself in the ingenious writer with whom this part of the Dissertation closes, under a form of less dignity than that which it assumes in the hands of Malebranche and Clarke. Buffier, the only Jesuit whose name has a place in the history of abstract philosophy, has no peculiar opinions which would have required any mention of him as a moralist, were it not for the just reputation of his treatise on First Truths, with which Dr. Reid so remarkably, though unaware of its existence, coincides, even in the misapplication of so practical a term as "common sense" to denote the faculty which recognises the truth of first principles. His philosophical writings† are remarkable for that perfect clearness of expression, which, since the great examples of Descartes and Pascal, has been so generally diffused, as to have become one of the enviable peculiarities of French philosophical style, and almost of the French language. His ethical doctrine is that most commonly received among philosophers, from Aristotle to Paley and Bentham. "I desire to be happy; but as I live with other men, I cannot be happy without consulting their happiness:" a proposition perfectly true indeed, but far too narrow; as inferring, that in the most benevolent acts a man must pursue only his own interest, from the fact that the practice of benevolence does increase his happiness, and that because a virtuous mind is likely to be the happiest, our observation of that property of Virtue is the cause of our love and reverence for it.

* Born, 1661; died, 1737.
† Cours de Sciences. Paris, 1732.

SECTION VI.

FOUNDATIONS OF A MORE JUST THEORY OF ETHICS.

BUTLER — HUTCHESON — BERKELEY — HUME — SMITH — PRICE — HARTLEY — TUCKER — PALEY — BENTHAM — STEWART — BROWN.

From the beginning of ethical controversy to the eighteenth century, it thus appears, that the care of the individual for himself, and his regard for the things which preserve self, were thought to form the first, and, in the opinion of most, the earliest of all the principles which prompt men and other animals to activity; that nearly all philosophers regarded the appetites and desires, which look only to self-gratification, as modifications of this primary principle of self-love; and that a very numerous body considered even the social affections themselves as nothing more than the produce of a more latent and subtile operation of the desire of interest, and of the pursuit of pleasure. It is true that they often spoke otherwise; but it was rather from the looseness and fluctuation of their language, than from distrust in their doctrine. It is true, also, that perhaps all represented the gratifications of Virtue as more unmingled, more secure, more frequent, and more lasting than other pleasures; without which they could neither have retained a hold on the assent of mankind, nor reconciled the principles of their systems with the testimony of their hearts. We have seen how some began to be roused from a lazy acquiescence in this ancient hypothesis, by the monstrous consequences which Hobbes had legitimately deduced from it. A few, of pure minds and great intellect, laboured to render Morality disinterested, by tracing it to Reason as its source; without considering that Reason, elevated indeed far above interest, is also separated by an impassable gulf, from feeling, affection, and passion. At length it was perceived by more than

one, that through whatever length of reasoning the mind may pass in its advances towards action, there is placed at the end of any avenue through which it can advance, some principle wholly unlike mere Reason, —some *emotion* or *sentiment* which must be touched, before the springs of Will and action can be set in motion. Had Lord Shaftesbury steadily adhered to his own principles,—had Leibnitz not recoiled from his statement, the truth might have been regarded as promulged, though not unfolded. The writings of both prove, at least to us, enlightened as we are by what followed, that they were skilful in sounding, and that their lead had touched the bottom. But it was reserved for another moral philosopher to determine this hitherto unfathomed depth.*

BUTLER.†

Butler, who was the son of a Presbyterian trader, early gave such promise, as to induce his father to fit him, by a proper education, for being a minister of that persuasion. He was educated at one of their seminaries under Mr. Jones of Gloucester, where

* The doctrine of the Stoics is thus put by Cicero into the mouth of Cato: "Placet his, inquit, quorum ratio mihi probatur, simul atque natum sit animal (hinc enim est ordiendum), ipsum sibi conciliari et commendari ad se conservandum, et ad suum statum, et ad ea, quæ conservantia sunt ejus status, diligenda; alienari autem ab interitu, iisque rebus quæ interitum videantur afferre. Id ita esse sic probant, quod, antequam voluptas aut dolor attigerit, salutaria appetant parvi, aspernenturque contraria: quod non fieret, nisi statum suum diligerent, interitum timerent: fieri autem non posset, ut appeterent aliquid, nisi sensum haberent sui, eoque se et sua diligerent. Ex quo intelligi debet, principium ductum esse a se diligendi sui."—De Fin. lib. iii. cap. v. We are told that *diligendo* is the reading of an ancient MS. Perhaps the omission of "a" would be the easiest and most reasonable emendation. The above passage is perhaps the fullest and plainest statement of the doctrines prevalent till the time of Butler.

† Born, 1692; died, 1752.

Secker, afterwards Archbishop of Canterbury, was his fellow-student. Though many of the dissenters had then begun to relinquish Calvinism, the uniform effect of that doctrine, in disposing its adherents to metaphysical speculation, long survived the opinions which caused it, and cannot be doubted to have influenced the mind of Butler. When a student at the academy at Gloucester, he wrote private letters to Dr. Clarke on his celebrated Demonstration, suggesting objections which were really insuperable, and which are marked by an acuteness which neither himself nor any other ever surpassed. Clarke, whose heart was as well schooled as his head, published the letters, with his own answers, in the next edition of his work, and, by his good offices with his friend and follower, Sir Joseph Jekyll, obtained for the young philosopher an early opportunity of making his abilities and opinions known, by the appointment of preacher at the Chapel of the Master of the Rolls. He was afterwards raised to one of the highest seats on the episcopal bench, through the philosophical taste of Queen Caroline, and her influence over the mind of her husband, which continued long after her death. "He was wafted," says Horace Walpole, "to the see of Durham, on a cloud of Metaphysics." * Even in the fourteenth year of his widowhood, George II. was desirous of inserting the name of the Queen's metaphysical favourite in the Regency Bill of 1751.

His great work on the Analogy of Religion to the Course of Nature, though only a commentary on the singularly original and pregnant passage of Origen †, which is so honestly prefixed to it as a motto, is, notwithstanding, the most original and profound work extant in any language on the philosophy of religion. It is entirely beyond our present scope. His ethical discussions are contained in those deep and sometimes

* Memoirs of Geo. II., i. 129.

† "Ejus (analogia) vis est; ut id quod dubium est ad aliquid simile de quo non quæritur, referat; ut incerta certis probet."

dark dissertations which he preached at the Chapel of the Rolls, and afterwards published under the name of "Sermons," while he was yet fresh from the schools, and full of that courage with which youth often delights to exercise its strength in abstract reasoning, and to push its faculties into the recesses of abstruse speculation. But his youth was that of a sober and mature mind, early taught by Nature to discern the boundaries of Knowledge, and to abstain from fruitless efforts to reach inaccessible ground. In these Sermons*, he has taught truths more capable of being exactly distinguished from the doctrines of his predecessors, more satisfactorily established, more comprehensively applied to particulars, more rationally connected with each other, and therefore more worthy of the name of "discovery," than any with which we are acquainted;—if we ought not, with some hesitation, to except the first steps of the Grecian philosophers towards a theory of Morals. It is a peculiar hardship, that the extreme ambiguity of language, an obstacle which it is one of the chief merits of an ethical philosopher to vanquish, is one of the circumstances which prevent men from seeing the justice of applying to him so ambitious a term as "discoverer." He owed more to Lord Shaftesbury than to all other writers besides. He is just and generous towards that philosopher; yet, whoever carefully compares their writings, will without difficulty distinguish the two builders, and the larger as well as more regular and laboured part of the edifice, which is the work of Butler.

Mankind have various principles of action; some leading directly to the good of the individual, some immediately to the good of the community. But the former are not instances of self-love, or of any form

* See Sermons i. ii. iii. On Human Nature; v. On Compassion; viii. On Resentment; ix. On Forgiveness; xi. and xii. On the Love of our Neighbour; and xiii. On the Love of God; together with the excellent Preface.

of it; for self-love is the desire of a man's own happiness, whereas the object of an appetite or passion is some outward thing. Self-love seeks things as means of happiness; the private appetites seek things, not as means, but as ends. A man eats from hunger, and drinks from thirst; and though he knows that these acts are necessary to life, that knowledge is not the motive of his conduct. No gratification can indeed be imagined without a previous desire. If all the particular desires did not exist independently, self-love would have no object to employ itself about; for there would in that case be no happiness, which, by the very supposition of the opponents, is made up of the gratifications of various desires. No pursuit could be selfish or interested, if there were not satisfactions to be gained by appetites which seek their own outward objects without regard to self. These satisfactions in the mass compose what is called a man's interest.

In contending, therefore, that the benevolent affections are disinterested, no more is claimed for them than must be granted to mere animal appetites and to malevolent passions. Each of these principles alike seeks its own object, for the sake simply of obtaining it. Pleasure is the result of the attainment, but no separate part of the aim of the agent. The desire that another person may be gratified, seeks that outward object alone, according to the general course of human desire. Resentment is as disinterested as gratitude or pity, but not more so. Hunger or thirst may be, as much as the purest benevolence, at variance with self-love. A regard to our own general happiness is not a vice, but in itself an excellent quality. It were well if it prevailed more generally over craving and short-sighted appetites. The weakness of the social affections, and the strength of the private desires, properly constitute selfishness; a vice utterly at variance with the happiness of him who harbours it, and as such, condemned by self-love. There are as few who attain the greatest satisfaction to themselves, as

who do the greatest good to others. It is absurd to say with some, that the pleasure of benevolence is selfish because it is felt by self. Understanding and reasoning are acts of self, for no man can think by proxy; but no one ever called them *selfish*. Why? Evidently because they do not *regard* self. Precisely the same reason applies to benevolence. Such an argument is a gross confusion of "self," as it is a *subject* of feeling or thought, with "self" considered as the *object* of either. It is no more just to refer the private appetites to self-love because they commonly promote happiness, than it would be to refer them to self-hatred in those frequent cases where their gratification obstructs it.

But, besides the private or public desires, and besides the calm regard to our own general welfare, there is a principle in man, in its nature supreme over all others. This natural supremacy belongs to the faculty which surveys, approves, or disapproves the several affections of our minds and actions of our lives. As self-love is superior to the private passions, so Conscience is superior to the whole of man. Passion implies nothing but an inclination to follow an object, and in that respect passions differ only in force: but no notion can be formed of the principle of reflection, or Conscience, which does not comprehend judgment, direction, superintendency; authority over all other principles of action is a constituent part of the idea of it, and cannot be separated from it. Had it strength as it has right, it would govern the world. The passions would have their power, but according to their nature, which is to be subject to Conscience. Hence we may understand the purpose at which the ancients, perhaps confusedly, aimed when they laid it down "that Virtue consisted in following Nature." It is neither easy, nor, for the main object of the moralist, important, to render the doctrines of the ancients by modern language. If Butler returns to this phrase too often, it was rather from the remains

of undistinguishing reverence for antiquity, than because he could deem its employment important to his own opinions.

The tie which holds together Religion and Morality is, in the system of Butler, somewhat different from the common representations of it, but not less close. Conscience, or the faculty of approving or disapproving, necessarily constitutes the bond of union. Setting out from the belief of Theism, and combining it, as he had entitled himself to do, with the reality of Conscience, he could not avoid discovering that the being who possessed the highest moral qualities, is the object of the highest moral affections. He contemplates the Deity through the moral nature of man. In the case of a being who is to be perfectly loved, "goodness must be the simple actuating principle within him, this being the moral quality which is the immediate object of love." "The highest, the adequate object of this affection, is perfect goodness, which, therefore, we are to love with all our heart, with all our soul, and with all our strength." "We should refer ourselves implicitly to him, and cast ourselves entirely upon him. The whole attention of life should be to obey his commands."* Moral distinctions are thus presupposed before a step can be made towards Religion: Virtue leads to piety; God is to be loved, because goodness is the object of love; and it is only after the mind rises through human morality to divine perfection, that all the virtues and duties are seen to hang from the throne of God.†

REMARKS.

There do not appear to be any *errors* in the ethical principles of Butler: the following remarks are in-

* Sermon xiii.—"On the Love of God."

† "The part in which I think I have done most service is that in which I have endeavoured to slip in a foundation under Butler's doctrine of the supremacy of Conscience, which he left baseless." Sir James Mackintosh to Professor Napier.—Ed.

tended to point out some *defects* in his scheme. And even that attempt is made with the unfeigned humility of one who rejoices in an opportunity of doing justice to that part of the writings of a great philosopher which has not been so clearly understood nor so justly estimated by the generality as his other works.

1. It is a considerable defect, though perhaps unavoidable in a sermon, that he omits all inquiry into the nature and origin of the private appetites, which first appear in human nature. It is implied, but it is not expressed in his reasonings, that there is a time before the child can be called selfish, any more than social, when these appetites seem as it were separately to pursue their distinct objects, and that this is long antecedent to that state of mind in which their gratification is regarded as forming the mass called "happiness." It is hence that they are likened to instincts distinct as these latter subsequently become.*

2. Butler shows admirably well, that unless there were principles of action independent of self, there could be no pleasures and no happiness for self-love to watch over. A step farther would have led him to perceive that self-love is altogether a secondary formation, the result of the joint operation of Reason and habit upon the primary principles. It could not have existed without presupposing original appetites and organic gratifications. Had he considered this part of the subject, he would have strengthened his case by showing that self-love is as truly a derived principle, not only as any of the social affections, but as any of the most confessedly acquired passions. It would appear clear, that as self-love is not divested of its self-regarding character by considering it as acquired, so the social affections do not lose any part of their disinterested character, if they be considered as

* The very able work ascribed to Mr. Hazlitt, entitled "Essay on the Principles of Human Action," Lond. 1805, contains original views on this subject.

formed from simpler elements. Nothing would more tend to root out the old prejudice which treats a regard to self as analogous to a self-evident principle, than the proof that self-love is itself formed from certain original elements, and that a living being long subsists before its appearance.*

3. It must be owned that those parts of Butler's discourses which relate to the social affections are more satisfactory than those which handle the question concerning the moral sentiments. It is not that the real existence of the latter is not as well made out as that of the former. In both cases he occupies the unassailable ground of an appeal to consciousness. All men (even the worst) feel that they have a conscience and disinterested affections. But he betrays a sense of the greater vagueness of his notions on this subject: he falters as he approaches it. He makes no attempt to determine in what state of mind the action of Conscience consists. He does not venture steadily to denote it by a name; he fluctuates between different appellations, and multiplies the metaphors of authority and command, without a simple exposition of that mental operation which these metaphors should only have illustrated. It commands other principles: but the question recurs, Why, or How?

Some of his own hints and some fainter intimations of Shaftesbury, might have led him to what appears to be the true solution, which, perhaps from its extreme simplicity, has escaped him and his successors. The truth seems to be, that the moral sentiments in their mature state, are *a class of feelings which have no other object but the mental dispositions leading to voluntary action, and the voluntary actions which flow from these dispositions.* We are pleased with some dispositions and actions, and displeased with others, in

* Compare this statement with the Stoical doctrine explained by Cicero in the book De Finibus, quoted above, of which it is the direct opposite.

ourselves and our fellows. We desire to cultivate the dispositions and to perform the actions, which we contemplate with satisfaction. These objects, like all those of human appetite or desire, are sought for their own sake. The peculiarity of these desires is, that their gratification *requires the use of no means;* nothing (unless it be a volition) is interposed between the desire and the voluntary act. It is impossible, therefore, that these passions should undergo any change by transfer from being the end to being the means, as is the case with other practical principles. On the other hand, as soon as they are fixed on these ends, they cannot regard any further object. When another passion prevails over them, the end of the moral faculty is converted into a means of gratification. But volitions and actions are not themselves the end or last object in view, of any other desire or aversion. Nothing stands between the moral sentiments and their object; they are, as it were, in contact with the Will. It is this sort of mental position, if the expression may be pardoned, that explains or seems to explain those characteristic properties which true philosophers ascribe to them, and which all reflecting men feel to belong to them. Being the only desires, aversions, sentiments, or emotions which regard dispositions and actions, they necessarily extend to the *whole* character and conduct. Among motives to action, they alone are justly considered as *universal.* They may and do stand between any other practical principle and its object, while it is absolutely impossible that another shall intercept their connexion with the Will. Be it observed, that though many passions prevail over them, no other can act beyond its own appointed and limited sphere; and that such prevalence itself, leaving the natural order disturbed in no other part of the mind, is perceived to be a disorder, whenever seen in another, and felt to be so by the very mind disordered, when the disorder subsides. Conscience may forbid the Will to contri-

bute to the gratification of a desire: no desire ever forbids the Will to obey Conscience.

This result of the peculiar relation of Conscience to the Will, justifies those metaphorical expressions which ascribe to it "authority" and the right of "universal command." It is *immutable;* for by the law which regulates all feelings, it must rest on *action*, which is its object, and beyond which it cannot look; and as it employs no *means*, it never can be transferred to nearer objects, in the way in which he who first desires an object as a means of gratification, may come to seek it as his end. Another remarkable peculiarity is bestowed on the moral feelings by the nature of their object. As the objects of all other desires are outward, the satisfaction of them may be frustrated by outward causes: the moral sentiments may always be gratified, because voluntary actions and moral dispositions spring from within. No external circumstance affects them;—hence their *independence.* As the moral sentiment needs *no means* and the desire is instantaneously followed by the volition, it seems to be either that which first suggests the relation between *command* and *obedience*, or at least that which affords the simplest instance of it. It is therefore with the most rigorous precision that authority and universality are ascribed to them. Their only unfortunate property is their too frequent weakness; but it is apparent that it is from that circumstance alone that their failure arises. Thus considered, the language of Butler concerning Conscience, that, "had it strength, as it has right, it would govern the world," which may seem to be only an effusion of generous feeling, proves to be a just statement of the nature and action of the highest of human faculties. The union of universality, immutability, and independence, with direct action on the Will, which distinguishes the Moral Sense from every other part of our practical nature, renders it scarcely metaphorical language to ascribe to it unbounded sovereignty and

awful authority over the whole of the world within; —shows that attributes, well denoted by terms significant of command and control, are, in fact, inseparable from it, or rather constitute its very essence; and justifies those ancient moralists who represent it as alone securing, if not forming the moral liberty of man. When afterwards the religious principle is evolved, Conscience is clothed with the sublime character of representing the divine purity and majesty in the human soul. Its title is not impaired by any number of defeats; for every defeat necessarily disposes the disinterested and dispassionate by-stander to wish that its force were strengthened: and though it may be doubted whether, consistently with the present constitution of human nature, it could be so invigorated as to be the only motive to action, yet every such by-stander rejoices at all accessions to its force; and would own, that man becomes happier, more excellent, more estimable, more venerable, in proportion as it acquires a power of banishing malevolent passions, of strongly curbing all the private appetites, and of influencing and guiding the benevolent affections themselves.

Let it be carefully considered whether the same observations could be made with truth, or with plausibility, on any other part or element of the nature of man. They are entirely independent of the question, whether Conscience be an inherent, or an acquired principle. If it be inherent, that circumstance is, according to the common modes of thinking, a sufficient proof of its title to veneration. But if provision be made in the constitution and circumstances of all men, for uniformly producing it, by processes similar to those which produce other acquired sentiments, may not our reverence be augmented by admiration of that Supreme Wisdom which, in such mental contrivances, yet more brightly than in the lower world of matter, accomplishes mighty purposes by instruments so simple? Should these speculations be thought

to have any solidity by those who are accustomed to such subjects, it would be easy to unfold and apply them so fully, that they may be thoroughly apprehended by every intelligent person.

4. The most palpable defect of Butler's scheme is, that it affords no answer to the question, "What is the distinguishing quality common to all right actions?" If it were answered, "Their criterion is, that they are approved and commanded by Conscience," the answerer would find that he was involved in a vicious circle; for Conscience itself could be no otherwise defined than as the faculty which approves and commands right actions.

There are few circumstances more remarkable than the small number of Butler's followers in Ethics; and it is perhaps still more observable, that his opinions were not so much rejected as overlooked. It is an instance of the importance of style. No thinker so great was ever so bad a writer. Indeed, the ingenious apologies which have been lately attempted for this defect, amount to no more than that his power of thought was too much for his skill in language. How general must the reception have been of truths so certain and momentous as those contained in Butler's discourses, — with how much more clearness must they have appeared to his own great understanding, if he had possessed the strength and distinctness with which Hobbes enforces odious falsehood, or the unspeakable charm of that transparent diction which clothed the unfruitful paradoxes of Berkeley!

HUTCHESON.*

This ingenious writer began to try his own strength by private letters, written in his early youth to Dr. Clarke, the metaphysical patriarch of his time; on whom young philosophers seem to have considered

* Born in Ireland, 1694; died at Glasgow, 1747.

themselves as possessing a claim, which he had too much goodness to reject. His correspondence with Hutcheson is lost; but we may judge of its spirit by his answers to Butler, and by one to Mr. Henry Home*, afterwards Lord Kames, then a young adventurer in the prevalent speculations. Nearly at the same period with Butler's first publication†, the writings of Hutcheson began to show coincidences with him, indicative of the tendency of moral theory to assume a new form, by virtue of an impulse received from Shaftesbury and quickened to greater activity by the adverse system of Clarke. Lord Molesworth, the friend of Shaftesbury, patronised Hutcheson, and even criticised his manuscript; and though a Presbyterian, he was befriended by King, Archbishop of Dublin, himself a metaphysician; and aided by Mr. Synge, afterwards also a bishop, to whom speculations somewhat similar to his own had occurred.

Butler and Hutcheson coincided in the two important positions, that disinterested affections, and a distinct moral faculty, are essential parts of human nature. Hutcheson is a chaste and simple writer, who imbibed the opinions, without the literary faults of his master, Shaftesbury. He has a clearness of expression, and fulness of illustration, which are wanting in Butler. But he is inferior to both these writers in the appearance at least of originality, and to Butler especially in that philosophical courage which, when it discovers the fountains of truth and falsehood, leaves others to follow the streams. He states as strongly as Butler, that "the same cause

* Woodhouselee's Life of Lord Kames, vol. i. Append. No. 3.

† The first edition of Butler's Sermons was published in 1726, in which year also appeared the second edition of Hutcheson's Inquiry into Beauty and Virtue. The Sermons had been preached some years before, though there is no likelihood that the contents could have reached a young teacher at Dublin. The place of Hutcheson's birth is not mentioned in any account known to me. Ireland may be truly said to be "*incuriosa suorum.*"

which determines us to pursue happiness for ourselves, determines us both to esteem and benevolence on their proper occasions — even the very frame of our nature."* It is in vain, as he justly observes, for the patrons of a refined selfishness to pretend that we pursue the happiness of others for the sake of the pleasure which we derive from it; since it is apparent that there could be no such pleasure if there had been no previous affection. "Had we no affection distinct from self-love, nothing could raise a desire of the happiness of others, but when viewed as a mean of our own."† He seems to have been the first who entertained just notions of the formation of the secondary desires, which had been overlooked by Butler. "There must arise, in consequence of our original desires, *secondary* desires of every thing useful to gratify the primary desire. Thus, as soon as we apprehend the use of wealth, or power, to gratify our original desires, we also *desire* them. From their universality as means arises the general prevalence of these desires of wealth and power."‡ Proceeding farther in his zeal against the selfish system than Lord Shaftesbury, who seems ultimately to rest the reasonableness of benevolence on its subserviency to the happiness of the individual, he represents the moral faculty to be, as well as self-love and benevolence, a calm general impulse, which may and does impel a good man to sacrifice not only happiness, but even life itself, to Virtue.

As Mr. Locke had spoken of "an internal sensation;" Lord Shaftesbury once or twice of "a reflex sense," and once of "a moral sense;" Hutcheson, who had a steadier, if not a clearer view of the nature of Conscience than Butler, calls it "a moral sense;" a name which quickly became popular, and continues to be a part of philosophical language. By "sense" he

* Inquiry, p. 152.
† Essay on the Passions, p. 17.
‡ Ibid. p. 8.

understood a capacity of receiving ideas, together with pleasures and pains, from a class of objects: the term "moral" was used to describe the particular class in question. It implied only that Conscience was a separate element in our nature, and that it was not a state or act of the Understanding. According to him, it also implied that it was an original and implanted principle; but every other part of his theory might be embraced by those who hold it to be derivative.

The object of moral approbation, according to him, is general benevolence; and he carries this generous error so far as to deny that prudence, as long as it regards ourselves, can be morally approved; — an assertion contradicted by every man's feelings, and to which we owe the Dissertation on the Nature of Virtue, which Butler annexed to his Analogy. By proving that all virtuous actions produce general good, he fancied that he had proved the necessity of regarding the general good in every act of virtue; — an instance of that confusion of the theory of moral sentiments with the criterion of moral actions, against which the reader was warned at the opening of this Dissertation, as fatal to ethical philosophy. He is chargeable, like Butler, with a vicious circle, in describing virtuous acts as those which are approved by the moral sense, while he at the same time describes the moral sense as the faculty which perceives and feels the morality of actions.

Hutcheson was the father of the modern school of speculative philosophy in Scotland; for though in the beginning of the sixteenth century the Scotch are said to have been known throughout Europe by their unmeasured passion for dialectical subtilties*, and

* The character given of the Scotch by the famous and unfortunate Servetus (edition of Ptolemy, 1533), is in many respects curious: "Gallis amicissimi, Anglorumque regi maximè infesti. * * * Subita ingenia, et in ultionem prona, ferociaque. * * * In bello fortes; inediæ, vigiliæ, algoris patientissimi; decenti formâ

though this metaphysical taste was nourished by the controversies which followed the Reformation, yet it languished, with every other intellectual taste and talent, from the Restoration, — first silenced by civil disorders, and afterwards repressed by an exemplary, but unlettered clergy, — till the philosophy of Shaftesbury was brought by Hutcheson from Ireland. We are told by the writer of his Life (a fine piece of philosophical biography) that "he had a remarkable degree of rational enthusiasm for learning, liberty, Religion, Virtue, and human happiness;"* that he taught in public with persuasive eloquence; that his instructive conversation was at once lively and modest; and that he united pure manners with a kind disposition. What wonder that such a man should have spread the love of Knowledge and Virtue around him, and should have rekindled in his adopted country a relish for the sciences which he cultivated! To him may also be ascribed that proneness to multiply ultimate and original principles in human nature, which characterised the Scottish school till the second extinction of a passion for metaphysical speculation in Scotland. A careful perusal of the writings of this now little studied philosopher will satisfy the well-qualified reader, that Dr. Adam Smith's ethical speculations are not so unsuggested as they are beautiful.

sed cultu negligentiori; invidi naturâ, et cæterorum mortalium contemptores; ostentant *plus nimio nobilitatem suam, et in summâ etiam egestate suum genus ad regiam stirpem referunt; nec non dialecticis argutiis sibi blandiuntur.*" — "Subita ingenia" is an expression equivalent to the "Præfervidum Scotorum ingenium" of Buchanan. Churchill almost agrees in words with Servetus:

"Whose lineage springs
From great and glorious, though forgotten kings."

The strong antipathy of the late King George III. to what he called "Scotch Metaphysics," proves the permanency of the last part of the national character.

* Life by Dr. Leechman, prefixed to the System of Moral Philosophy.

BERKELEY.*

This great metaphysician was so little a moralist, that it requires the attraction of his name to excuse its introduction here. His Theory of Vision contains a great discovery in mental philosophy. His immaterialism is chiefly valuable as a touchstone of metaphysical sagacity; showing those to be altogether without it, who, like Johnson and Beattie, believed that his speculations were sceptical, that they implied any distrust in the senses, or that they had the smallest tendency to disturb reasoning or alter conduct. Ancient learning, exact science, polished society, modern literature, and the fine arts, contributed to adorn and enrich the mind of this accomplished man. All his contemporaries agreed with the satirist in ascribing

> "To Berkeley every virtue under heaven." †

Adverse factions and hostile wits concurred only in loving, admiring, and contributing to advance him. The severe sense of Swift endured his visions; the modest Addison endeavoured to reconcile Clarke to his ambitious speculations. His character converted the satire of Pope into fervid praise; even the discerning, fastidious, and turbulent Atterbury said, after an interview with him, "So much understanding, so much knowledge, so much innocence, and such humility, I did not think had been the portion of any but angels, till I saw this gentleman." ‡ "Lord Bathurst told me, that the members of the Scriblerus Club being met at his house at dinner, they agreed to rally Berkeley, who was also his guest, on his

* Born near Thomastown, in Ireland, 1684; died at Oxford, 1753.

† Epilogue to Pope's Satires, dialogue 2.

‡ Duncombe's Letters, pp. 106, 107.

scheme at Bermudas. Berkeley, having listened to the many lively things they had to say, begged to be heard in his turn, and displayed his plan with such an astonishing and animating force of eloquence and enthusiasm, that they were struck dumb, and, after some pause, rose all up together, with earnestness exclaiming, 'Let us set out with him immediately.'" * It was when thus beloved and celebrated that he conceived, at the age of forty-five, the design of devoting his life to reclaim and convert the natives of North America; and he employed as much influence and solicitation as common men do for their most prized objects, in obtaining leave to resign his dignities and revenues, to quit his accomplished and affectionate friends, and to bury himself in what must have seemed an intellectual desert. After four years' residence at Newport, in Rhode Island, he was compelled, by the refusal of Government to furnish him with funds for his College, to forego his work of heroic, or rather godlike benevolence; though not without some consoling forethought of the fortune of the country where he had sojourned.

> Westward the course of empire takes its way
> The first four acts already past,
> A fifth shall close the drama with the day,
> TIME'S NOBLEST OFFSPRING IS ITS LAST.

Thus disappointed in his ambition of keeping a school for savage children, at a salary of a hundred pounds by the year, he was received, on his return, with open arms by the philosophical queen, at whose metaphysical parties he made one with Sherlock, who, as well as Smalridge, was his supporter, and with Hoadley, who, following Clarke, was his antagonist. By her influence, he was made Bishop of Cloyne. It is one of his highest boasts, that though of English extraction, he was a true Irishman, and the first emi-

* Warton on Pope, i. 199.

nent Protestant, after the unhappy contest at the Revolution, who avowed his love for all his countrymen. He asked, "Whether their habitations and furniture were not more sordid than those of the savage Americans?"* "Whether a scheme for the welfare of this nation should not take in the whole inhabitants?" and, "Whether it was a vain attempt, to project the flourishing of our Protestant gentry, exclusive of the bulk of the natives?"† He proceeds to promote the reformation suggested in this pregnant question by a series of Queries, intimating with the utmost skill and address, every reason that proves the necessity, and the safety, and the wisest mode of adopting his suggestion. He contributed, by a truly Christian address to the Roman Catholics of his diocese, to their perfect quiet during the rebellion of 1745; and soon after published a letter to the clergy of that persuasion, beseeching them to inculcate industry among their flocks, for which he received their thanks. He tells them that it was a saying among the negro slaves, "if negro were not negro, Irishman would be negro." It is difficult to read these proofs of benevolence and foresight without emotion, at the moment when, after a lapse of near a century, his suggestions have been at length, at the close of a struggle of twenty-five years, adopted, by the admission of the whole Irish nation to the privileges of the British constitution.‡ The patriotism of Berkeley was not, like that of Swift, tainted by disappointed ambition, nor was it, like Swift's, confined to a colony of English Protestants. Perhaps the Querist contains more hints, then original and still unapplied in legislation and political economy, than are to be found in any other equal space. From the writings of his advanced years, when he chose a medical tract § to be the vehicle of his philosophical

* See his Querist, 358.; published in 1735. † Ibid., 255.
‡ April, 1829. § Siris, or Reflections on Tar Water.

reflections, though it cannot be said that he relinquished his early opinions, it is at least apparent that his mind had received a new bent, and was habitually turned from reasoning towards contemplation. His immaterialism indeed modestly appears, but only to purify and elevate our thoughts, and to fix them on Mind, the paramount and primeval principle of all things. "Perhaps," says he, "the truth about innate ideas may be, that there are properly no ideas, or passive objects, in the mind but what are derived from sense, but that there are also, besides these, her own acts and operations, — such are notions;" a statement which seems once more to admit *general conceptions*, and which might have served, as well as the parallel passage of Leibnitz, as the basis of the modern philosophy of Germany. From these compositions of his old age, he appears then to have recurred with fondness to Plato and the later Platonists; writers from whose mere reasonings an intellect so acute could hardly hope for an argumentative satisfaction of all its difficulties, and whom he probably rather studied as a means of inuring his mind to objects beyond the "visible diurnal sphere," and of attaching it, through frequent meditation, to that perfect and transcendent goodness to which his moral feelings always pointed, and which they incessantly strove to grasp. His mind, enlarging as it rose, at length receives every theist, however imperfect his belief, to a communion in its philosophic piety. "Truth," he beautifully concludes, "is the cry of all, but the game of a few. Certainly, where it is the chief passion, it does not give way to vulgar cares, nor is it contented with a little ardour in the early time of life; active perhaps to pursue, but not so fit to weigh and revise. He that would make a real progress in knowledge, must dedicate his age as well as youth, the later growth as well as first fruits, at the altar of Truth." So did Berkeley, and such were almost his latest words.

His general principles of Ethics may be shortly

stated in his own words: — "As God is a being of infinite goodness, His end is the good of His creatures. The general well-being of all men of all nations, of all ages of the world, is that which He designs should be procured by the concurring actions of each individual." Having stated that this end can be pursued only in one of two ways, — either by computing the consequences of each action, or by obeying rules which generally tend to happiness, — and having shown the first to be impossible, he rightly infers, "that the end to which God requires the concurrence of human actions, must be carried on by the observation of certain determinate and universal rules, or moral precepts, which in their own nature have a necessary tendency to promote the well-being of mankind, taking in all nations and ages, from the beginning to the end of the world." * A romance, of which a journey to an Utopia, in the centre of Africa, forms the chief part, called "The Adventures of Signor Gaudentio di Lucca," has been commonly ascribed to him; probably on no other ground than its union of pleasing invention with benevolence and elegance.† Of the exquisite grace and beauty of his diction, no man accustomed to English composition can need to be informed. His works are, beyond dispute, the finest models of philosophical style since Cicero. Perhaps they surpass those of the orator, in the wonderful art by which the fullest light is thrown on the most minute and evanescent parts of the most subtile of human conceptions. Perhaps, also, he surpassed Cicero in the charm of simplicity, a quality eminently found in Irish writers before the end of the eighteenth century; — conspicuous in the masculine severity of Swift, in the Platonic fancy of Berkeley, in the native tenderness and elegance of

* Sermon in Trinity College chapel, on Passive Obedience, 1712.

† See Gentleman's Magazine for January, 1777.

Goldsmith, and not withholding its attractions from Hutcheson and Leland, writers of classical taste, though of inferior power. The two Irish philosophers of the eighteenth century may be said to have co-operated in calling forth the metaphysical genius of Scotland; for, though Hutcheson spread the taste for, and furnished the principles of such speculations, yet Berkeley undoubtedly produced the scepticism of Hume, which stimulated the instinctive school to activity, and was thought incapable of confutation, otherwise than by their doctrines.

DAVID HUME.*

The life of Mr. Hume, written by himself, is remarkable above most, if not all writings of that sort, for hitting the degree of interest between coldness and egotism which becomes a modest man in speaking of his private history. Few writers, whose opinions were so obnoxious, have more perfectly escaped every personal imputation. Very few men of so calm a character have been so warmly beloved. That he approached to the character of a perfectly good and wise man, is an affectionate exaggeration, for which his friend Dr. Smith, in the first moments of his sorrow, may well be excused.† But such a praise can never be earned without passing through either of the extremes of fortune,—without standing the test of temptations, dangers, and sacrifices. It may be said with truth, that the private character of Mr. Hume exhibited all the virtues which a man of reputable station, under a mild government, in the quiet times of a civilised country, has often the opportunity to practise. He showed no want of the qualities which fit men for more severe trials. Though others had

* Born at Edinburgh, 1711; died there, 1776.

† Dr. Smith's Letter to Mr. Strahan, annexed to the Life of Hume.

warmer affections, no man was a kinder relation, a more unwearied friend, or more free from meanness and malice. His character was so simple, that he did not even affect modesty; but neither his friendships nor his deportment were changed by a fame which filled all Europe. His good nature, his plain manners, and his active kindness, procured him at Paris the enviable name of "*the good David*," from a society not so alive to goodness, as without reason to place it at the head of the qualities of a celebrated man.* His whole character is faithfully and touchingly represented in the story of La Roche†, where Mr. Mackenzie, without concealing Mr. Hume's opinions, brings him into contact with scenes of tender piety, and yet preserves the interest inspired by genuine and unalloyed, though moderated, feelings and affections. The amiable and venerable patriarch of Scottish literature,—opposed, as he was to the opinions of the philosopher on whom he has composed this best panegyric,—tells us that he read his manuscript to Dr. Smith, "who declared that he did not find a syllable to object to, but added, with his characteristic absence of mind, that he was surprised he had never heard of the anecdote before."‡ So lively was the delineation, thus sanctioned by the most natural of all testimonies. Mr. Mackenzie indulges his own religious feelings by modestly intimating, that Dr. Smith's answer seemed to justify the last words of the tale, "that there were moments when the philosopher recalled to his mind the venerable figure of the good La Roche, and wished that he had never doubted." To those who are strangers to the seductions of paradox, to the intoxication of fame, and to the bewitchment of prohibited opinions, it must be unaccountable, that he who revered benevolence should, without apparent regret, cease to see it on the throne of the Universe. It is a matter of

* See Note P. † Mirror, Nos. 42, 43, 44.
‡ Mackenzie's Life of John Home, p. 21.

wonder that his habitual esteem for every fragment and shadow of moral excellence should not lead him to envy those who contemplated its perfection in that living and paternal character which gives it a power over the human heart.

On the other hand, if we had no experience of the power of opposite opinions in producing irreconcilable animosities, we might have hoped that those who retained such high privileges, would have looked with more compassion than dislike on a virtuous man who had lost them. In such cases it is too little remembered, that repugnance to hypocrisy and impatience of long concealment, are the qualities of the best formed minds, and that, if the publication of some doctrines proves often painful and mischievous, the habitual suppression of opinion is injurious to Reason, and very dangerous to sincerity. Practical questions thus arise, so difficult and perplexing that their determination generally depends on the boldness or timidity of the individual, — on his tenderness for the feelings of the good, or his greater reverence for the free exercise of reason. The time is not yet come when the noble maxim of Plato, "that every soul is *unwillingly* deprived of truth," will be practically and heartily applied by men to the honest opponents who differ from them most widely.

It was in his twenty-seventh year that Mr. Hume published at London the Treatise of Human Nature, the first systematic attack on all the principles of knowledge and belief, and the most formidable, if universal scepticism could ever be more than a mere exercise of ingenuity.* This memorable work was

* Sextus, a physician of the empirical, *i. e.* anti-theoretical school, who lived at Alexandria in the reign of Antoninus Pius, has preserved the reasonings of the ancient Sceptics as they were to be found in their most improved state, in the writings of Ænesidemus, a Cretan, who was a professor in the same city, soon after the reduction of Egypt into a Roman province. The greater part of the grounds of doubt are very shallow and popular:

reviewed in a Journal of that time*, in a criticism not distinguished by ability, which affects to represent the style of a very clear writer as unintelligible,—sometimes from a purpose to insult, but oftener from sheer dulness,—which is unaccountably silent respecting the consequences of a sceptical system, but which concludes with the following prophecy so much at variance with the general tone of the article, that it would seem to be added by a different hand. "It bears incontestable marks of a great capacity, of a soaring genius, but young, and not yet thoroughly practised. Time and use may ripen these qualities in the author, and we shall probably have reason to consider this, compared with his later productions, in the same light as we view the juvenile works of Milton or the first manner of Raphael."

The great speculator did not in this work amuse himself, like Bayle, with dialectical exercises, which only inspire a disposition towards doubt, by showing in detail the uncertainty of most opinions. He aimed at proving, not that nothing was known, but that nothing could be known,—from the structure of the Understanding to demonstrate that we are doomed for ever to dwell in absolute and universal ignorance. It is true that such a system of universal scepticism never can be more than an intellectual amusement, an exercise of subtilty, of which the only use is to check dogmatism, but which perhaps oftener provokes and produces that much more common evil. As those dictates of experience which regulate conduct must be the objects of belief, all objections which attack them in common with the principles of reasoning, must be utterly ineffectual. Whatever attacks every

there are, among them, intimations of the argument against a necessary connection of causes with effects, afterwards better presented by Glanville in his Scepsis Scientifica. See Note Q.

* The Works of the Learned for Nov. and Dec. 1739, pp. 353—404. This review is attributed by some (Chalmers' Biogr. Dict., *voce* Hume) to Warburton, but certainly without foundation.

principle of belief can destroy none. As long as the foundations of Knowledge are allowed to remain on the same level (be it called of certainty or uncertainty) with the maxims of life, the whole system of human conviction must continue undisturbed. When the sceptic boasts of having involved the results of experience and the elements of Geometry in the same ruin with the doctrines of Religion and the principles of Philosophy, he may be answered, that no dogmatist ever claimed more than the same degree of certainty for these various convictions and opinions, and that his scepticism, therefore, leaves them in the relative condition in which it found them. No man knew better or owned more frankly than Mr. Hume, that to this answer there is no serious reply. Universal scepticism involves a contradiction in terms: *it is a belief that there can be no belief.* It is an attempt of the mind to act without its structure, and by other laws than those to which its nature has subjected its operations. To reason without assenting to the principles on which reasoning is founded, is not unlike an effort to feel without nerves, or to move without muscles. No man can be allowed to be an opponent in reasoning, who does not set out with admitting all the principles, without the admission of which it is impossible to reason.* It is indeed a puerile, nay, in the eye of Wisdom, a childish play, to attempt either to establish or to confute principles by argument, which

* This maxim, which contains a sufficient answer to all universal scepticism, or, in other words, to all scepticism properly so called, is significantly conveyed in the quaint title of an old and rare book, entitled, "Scivi; sive Sceptices et Scepticorum a Jure Disputationis Exclusio," by Thomas White, the metaphysician of the English Catholics in modern times. "Fortunately," says the illustrious sceptic himself, "since Reason is incapable of dispelling these clouds, Nature herself suffices for that purpose, and cures me of this philosophical delirium."—Treat. of Hum. Nat. i. 467.; almost in the sublime and immortal words of Pascal: "La Raison confond les dogmatistes, et la Nature les sceptiques."

every step of that argument must presuppose. The only difference between the two cases is, that he who tries to prove them can do so only by first taking them for granted, and that he who attempts to impugn them falls at the very first step into a contradiction from which he never can rise.

It must, however, be allowed, that universal scepticism has practical consequences of a very mischievous nature. This is because its *universality* is not steadily kept in view, and constantly borne in mind. If it were, the above short and plain remark would be an effectual antidote to the poison. But in practice, it is an armoury from which weapons are taken to be employed against *some* opinions, while it is hidden from notice that the same weapon would equally cut down every other conviction. It is thus that Mr. Hume's theory of causation is used as an answer to arguments for the existence of the Deity, without warning the reader that it would equally lead him not to expect that the sun will rise to-morrow. It must also be added, that those who are early accustomed to dispute first principles are never likely to acquire, in a sufficient degree, that earnestness and that sincerity. that strong love of Truth, and that conscientious solicitude for the formation of just opinions, which are not the least virtues of men, but of which the cultivation is the more especial duty of all who call themselves philosophers.*

It is not an uninteresting fact that Mr. Hume, having been introduced by Lord Kames (then Mr. Henry Home) to Dr. Butler, sent a copy of his Treatise to that philosopher at the moment of his preferment to the bishopric of Durham; and that the

* It would be an act of injustice to those readers who are not acquainted with that valuable volume entitled, "Essays on the Formation of Opinions," not to refer them to it as enforcing that neglected part of morality. To it may be added, a masterly article in the Westminster Review, vi. 1., occasioned by the Essays.

perusal of it did not deter the philosophic prelate from "everywhere recommending Mr. Hume's Moral and Political Essays*," published two years afterwards; — essays which it would indeed have been unworthy of such a man not to have liberally commended; for they, and those which followed them, whatever may be thought of the contents of some of them, must be ever regarded as the best models in any language, of the short but full, of the clear and agreeable, though deep discussion of difficult questions.

Mr. Hume considered his Inquiry concerning the Principles of Morals as the best of his writings. It is very creditable to his character, that he should have looked back with most complacency on a tract the least distinguished by originality, and the least tainted by paradox, among his philosophical works; but deserving of all commendation for the elegant perspicuity of the style, and the novelty of illustration and inference with which he unfolded to general readers a doctrine too simple, too certain, and too important, to remain till his time undiscovered among philosophers. His diction has, indeed, neither the grace of Berkeley, nor the strength of Hobbes; but it is without the verbosity of the former, or the rugged sternness of the latter. His manner is more lively, more easy, more ingratiating, and, if the word may be so applied, more amusing, than that of any other metaphysical writer.† He knew himself too well to be, as Dr. Johnson asserted, an imitator of Voltaire; who, as it were, embodied in his own person all the

* Woodhouselee's Life of Kames, i. 86. 104.

† These commendations are so far from being at variance with the remarks of the late most ingenious Dr. Thomas Brown, on Mr. Hume's "mode of writing," (Inquiry into the Relation of Cause and Effect, 3d ed. p. 327.), that they may rather be regarded as descriptive of those excellencies of which the excess produced the faults of Mr. Hume, as a mere searcher and teacher, justly, though perhaps severely, animadverted on by Dr. Brown.

wit and quickness and versatile ingenuity of a people which surpasses other nations in these brilliant qualities. If he must be supposed to have had an eye on any French writer, it would be a more plausible guess, that he sometimes copied, with a temperate hand, the unexpected thoughts and familiar expressions of Fontenelle. Though he carefully weeded his writings in their successive editions, yet they still contain Scotticisms and Gallicisms enough to employ the successors of such critics as those who exulted over the Patavinity of the Roman historian. His own great and modest mind would have been satisfied with the praise which cannot be withheld from him, that there is no writer in our language who, through long works, is more agreeable; and it is no derogation from him, that, as a Scotsman, he did not reach those native and secret beauties, characteristical of a language, which are never attained, in elaborate composition, but by a very small number of those who familiarly converse in it from infancy. The Inquiry affords perhaps the best specimen of his style. In substance, its chief merit is the proof, from an abundant enumeration of particulars, that all the qualities and actions of the mind which are generally approved by mankind agree in the circumstance of being useful to society. In the proof (scarcely necessary), that benevolent affections and actions have that tendency, he asserts the real existence of these affections with unusual warmth; and he well abridges some of the most forcible arguments of Butler*, whom it is remarkable that he does not mention. To show the importance of his principle, he very unnecessarily distinguishes the comprehensive duty of justice from other parts of Morality, as an artificial virtue, for which our respect is solely derived from notions of utility. If all things were in such plenty that there could never be a want, or if

* Inquiry, § ii. part i., especially the concluding paragraphs; those which precede being more his own.

men were so benevolent as to provide for the wants of others as much as for their own, there would, says he, in neither case be any justice, because there would be no need for it. But it is evident that the same reasoning is applicable to every good affection and right action. None of them could exist if there were no scope for their exercise. If there were no suffering, there could be no pity and no relief: if there were no offences, there could be no placability: if there were no crimes, there could be no mercy. Temperance, prudence, patience, magnanimity, are qualities of which the value depends on the evils by which they are respectively exercised.*

With regard to purity of manners, it must be owned that Mr. Hume. though he controverts no rule, yet treats vice with too much indulgence. It was his general disposition to distrust those virtues which are liable to exaggeration, and may be easily counterfeited. The ascetic pursuit of purity, and hypocritical pretences to patriotism, had too much withdrawn the respect of his equally calm and sincere nature from these excellent virtues; more especially as severity in both these respects was often at apparent variance

* "Si nobis, cum ex hac vita migraverimus, in beatorum insulis, ut fabulæ ferunt, immortale ævum degere liceret, quid opus esset eloquentia, cum judicia nulla fierent? aut ipsis etiam virtutibus? Nec enim fortitudine indigeremus, nullo proposito aut labore aut periculo; *nec justitia, cum esset nihil quod appeteretur alieni*; nec temperantia, quæ regeret eas quæ nullæ essent libidines: ne prudentia quidem egeremus, nullo proposito delectu bonorum et malorum. Una igitur essemus beati cognitione rerum et scientia." —Frag. Cic. Hortens. apud Augustine de Trinitate. Cicero is more extensive, and therefore more consistent than Hume; but his enumeration errs both by excess and defect. He supposes Knowledge to render beings happy in this imaginary state, without stooping to inquire how. He omits a virtue which might well exist in it, though we cannot conceive its formation in such a state—the delight in each other's well-being; and he omits a conceivable though unknown vice, that of unmixed ill-will, which would render such a state a hell to the wretch who harboured the malevolence.

with affection, which can neither be long assumed, nor ever overvalued. Yet it was singular that he who, in his essay on Polygamy and Divorce *, had so well shown the connexion of domestic ties with the outward order of society, should not have perceived their deeper and closer relation to all the social feelings of human nature. It cannot be enough regretted, that, in an inquiry written with a very moral purpose, his habit of making truth attractive, by throwing over her the dress of paradox, should have given him for a moment the appearance of weighing the mere amusements of society and conversation against domestic fidelity, which is the preserver of domestic affection, the source of parental fondness and filial regard, and, indirectly, of all the kindness which exists between human beings. That families are schools where the infant heart learns to love, and that pure manners are the cement which alone holds these schools together, are truths so certain, that it is wonderful he should not have betrayed a stronger sense of their importance. No one could so well have proved that all the virtues of that class, in their various orders and degrees, minister to the benevolent affections; and that every act which separates the senses from the affections tends, in some degree, to deprive kindness of its natural auxiliary, and to lessen its prevalence in the world. It did not require his sagacity to discover that the gentlest and tenderest feelings flourish only under the stern guardianship of these severe virtues. Perhaps his philosophy was loosened, though his life was uncorrupted, by that universal and undistinguishing profligacy which prevailed on the Continent, from the regency of the Duke of Orleans to the French Revolution; the most dissolute period of European history, at least since the Roman emperors.† At Rome, indeed, the connexion of licentiousness with cruelty, which, though scarcely

* Essays and Treatises, vol. i.

† See Note R.

traceable in individuals, is generally very observable in large masses, bore a fearful testimony to the value of austere purity. The alliance of these remote vices seemed to be broken in the time of Mr. Hume. Pleasure, in a more improved state of society, seemed to return to her more natural union with kindness and tenderness, as well as with refinement and politeness. Had he lived fourteen years longer, however, he would have seen, that the virtues which guard the natural seminaries of the affections are their only true and lasting friends. He would also then have seen (the demand of well-informed men for the improvement of civil institutions,—and that of all classes growing in intelligence, to be delivered from a degrading inferiority, and to be admitted to a share of political power proportioned to their new importance, having been feebly, yet violently, resisted by those ruling castes who neither knew how to yield, nor how to withstand), how speedily the sudden demolition of the barriers (imperfect as these were) of law and government, led to popular excesses, desolating wars, and a military dictatorship, which for a long time threatened to defeat the reformation, and to disappoint the hopes of mankind. This tremendous conflagration threw a fearful light on the ferocity which lies hid under the arts and pleasures of corrupted nations; as earthquakes and volcanoes disclose the rocks which compose the deeper parts of our planet, beneath a fertile and flowery surface. A part of this dreadful result may be ascribed, not improbably, to that relaxation of domestic ties, which is unhappily natural to the populace of all vast capitals, and was at that time countenanced and aggravated by the example of their superiors. Another part doubtless arose from the barbarising power of absolute government, or, in other words, of injustice in high places. A narration of those events attests, as strongly as Roman history, though in a somewhat different manner, the humanising efficacy of the family virtues, by the consequences of the want

of them in the higher classes, whose profuse and ostentatious sensuality inspired the labouring and suffering portion of mankind with contempt, disgust, envy, and hatred.

The Inquiry is disfigured by another speck of more frivolous paradox. It consists in the attempt to give the name of Virtue to qualities of the *Understanding;* and it would not have deserved the single remark about to be made on it, had it been the paradox of an inferior man. He has altogether omitted the circumstance on which depends the difference of our sentiments regarding moral and intellectual qualities. We *admire* intellectual excellence, but we bestow no *moral approbation* on it. Such approbation has no tendency directly to increase it, because it is not voluntary. We cultivate our natural disposition to esteem and love benevolence and justice, because these moral sentiments, and the expression of them, directly and materially dispose others, as well as ourselves, to cultivate these two virtues. We cultivate a natural anger against oppression, which guards ourselves against the practice of that vice, and because the manifestation of it deters others from its exercise. The first rude resentment of a child is against every instrument of hurt: we confine it to intentional hurt: when we are taught by experience that it prevents only that species of hurt; and at last it is still further limited to *wrong* done to ourselves or others, and in that case becomes a purely moral sentiment. We morally approve industry, desire of knowledge, love of Truth, and all the habits by which the Understanding is strengthened and rectified, because their formation is subject to the Will *; but we do not feel moral anger against folly or ignorance, because they are involuntary. No one but the religious persecutor,—a mischievous and over-

* "In hâc quæstione primas tenet Voluntas, *quâ*, ut ait Augustinus, *peccatur, et recte vivitur*."—Erasmus, Diatribe adversus Lutherum.

grown child, wreaks his vengeance on involuntary, inevitable, compulsory acts or states of the Understanding, which are no more affected by blame than the stone which the foolish child beats for hurting him. Reasonable men apply to every thing which they wish to move, the agent which is capable of moving it;—force to outward substances, arguments to the Understanding, and blame, together with all other motives, whether moral or personal, to the Will alone. It is as absurd to entertain an abhorrence of intellectual inferiority or error, however extensive or mischievous, as it would be to cherish a warm indignation against earthquakes or hurricanes. It is singular that a philosopher who needed the most liberal toleration should, by representing states of the Understanding as moral or immoral, have offered the most philosophical apology for persecution.

That general utility constitutes a uniform ground of moral distinctions, is a part of Mr. Hume's ethical theory which never can be impugned, until some example can be produced of a virtue generally pernicious, or of a vice generally beneficial. The religious philosopher who, with Butler, holds that benevolence must be the actuating principle of the Divine mind, will, with Berkeley, maintain that pure benevolence can prescribe no rules of human conduct but such as are beneficial to men; thus bestowing on the theory of *moral distinctions* the certainty of demonstration in the eyes of all who believe in God.

The other question of moral philosophy which relates to the theory of *moral approbation*, has been by no means so distinctly and satisfactorily handled by Mr. Hume. His general doctrine is, that an interest in the well-being of others, implanted by nature, which he calls "sympathy" in his Treatise of Human Nature, and much less happily "benevolence" in his subsequent Inquiry*, prompts us to be pleased with

* Essays and Treatises, vol. ii.

all generally beneficial actions. In this respect his doctrine nearly resembles that of Hutcheson. He does not trace his principle through the variety of forms which our moral sentiments assume: there are very important parts of them, of which it affords no solution. For example, though he truly represents our approbation, in others, of qualities useful to the individual, as a proof of benevolence, he makes no attempt to explain our moral approbation of such virtues as temperance and fortitude in ourselves. He entirely overlooks that consciousness of the rightful supremacy of the Moral Faculty over every other principle of human action, without an explanation of which, ethical theory is wanting in one of its vita organs.

Notwithstanding these considerable defects, his proof from induction of the beneficial tendency of Virtue, his conclusive arguments for human disinterestedness, and his decisive observations on the respective provinces of Reason and Sentiment in Morals, concur in ranking the Inquiry with the ethical treatises of the highest merit in our language, — with Shaftesbury's Inquiry concerning Virtue, Butler's Sermons, and Smith's Theory of Moral Sentiments.

ADAM SMITH.*

The great name of Adam Smith rests upon the Inquiry into the Nature and Causes of the Wealth of Nations; perhaps the only book which produced an immediate, general, and irrevocable change in some of the most important parts of the legislation of all civilised states. The works of Grotius, of Locke, and of Montesquieu, which bear a resemblance to it in character, and had no inconsiderable analogy to it in the extent of their popular influence, were productive only of a general amendment, not so conspicuous

* Born, 1723; died, 1790.

in particular instances, as discoverable, after a time, in the improved condition of human affairs. The work of Smith, as it touched those matters which may be numbered, and measured, and weighed, bore more visible and palpable fruit. In a few years it began to alter laws and treaties, and has made its way, throughout the convulsions of revolution and conquest, to a due ascendant over the minds of men, with far less than the average of those obstructions of prejudice and clamour, which ordinarily choke the channels through which truth flows into practice.* The most eminent of those who have since cultivated and improved the science will be the foremost to address their immortal master,

> ..... Tenebris tantis tam clarum extollere lumen
> Qui primus potuisti, inlustrans commoda vitæ,
> Te sequor! †

In a science more difficult, because both ascending to more simple general principles, and running down through more minute applications, though the success of Smith has been less complete, his genius is not less conspicuous. Perhaps there is no ethical work since Cicero's Offices, of which an abridgment enables the reader so inadequately to estimate the merit, as the Theory of Moral Sentiments. This is not chiefly owing to the beauty of diction, as in the case of Cicero; but to the variety of explanations of life and manners which embellish the book often more than they illuminate the theory. Yet, on the other hand, it must be owned that, for purely philosophical purposes, few books more need abridgment: for the most careful reader frequently loses sight of principles buried under illustrations. The naturally copious and flowing style of the author is generally redundant; and the repetition of certain formularies of the system is, in the later editions, so frequent as to be weari-

* See Note S.

† Lucret. lib. iii.

some, and sometimes ludicrous. Perhaps Smith and Hobbes may be considered as forming the two extremes of good style in our philosophy; the first of graceful fulness falling into flaccidity; while the masterly concision of the second is oftener carried forward into dictatorial dryness. Hume and Berkeley, though they are nearer the extreme of abundance*, are probably the least distant from perfection.

That mankind are so constituted as to sympathise with each other's feelings, and to feel pleasure in the accordance of these feelings, are the only facts required by Dr. Smith; and they certainly must be granted to him. To adopt the feelings of another, is to *approve* them. When the sentiments of another are such as would be excited in us by the same objects, we approve them as *morally proper*. To obtain this accordance, it becomes necessary for him who enjoys, or suffers, to lower the expression of his feeling to the point to which the by-stander can raise his fellow-feelings; on this attempt are founded all the high virtues of self-denial and self-command: and it is equally necessary for the by-stander to raise his sympathy as near as he can to the level of the original feeling. In all unsocial passions, such as anger, we have a *divided sympathy* between him who feels them, and those who are the objects of them. Hence the propriety of extremely moderating them. Pure malice is always to be concealed or disguised, because *all sympathy* is arrayed against it. In the private passions, where there is only a *simple sympathy*, — that with the original passion, — the expression has more liberty. The benevolent affections, where there is a *double sympathy*, — with those who feel them, and those who are their objects, — are the most agreeable, and may be indulged with the least apprehension of

* This remark is chiefly applicable to Hume's Essays. His Treatise of Human Nature is more Hobbian in its general tenor, though it has Ciceronian passages.

finding no echo in other breasts. Sympathy with the gratitude of those who are benefited by good actions, prompts us to consider them as deserving of reward, and forms the *sense of merit*; as fellow-feeling with the resentment of those who are injured by crimes leads us to look on them as worthy of punishment, and constitutes the *sense of demerit*. These sentiments require not only beneficial actions, but benevolent motives; being compounded, in the case of merit, of a direct sympathy with the good disposition of the benefactor, and an indirect sympathy with the persons benefited; in the opposite case, with precisely opposite sympathies. He who does an act of wrong to another to gratify his own passions, must not expect that the spectators, who have none of his undue partiality to his own interest, will enter into his feelings. In such a case, he knows that they will pity the person wronged, and be full of indignation against him. When he is cooled, he adopts the sentiments of others on his own crime, feels shame at the impropriety of his former passion, pity for those who have suffered by him, and a dread of punishment from general and just resentment. Such are the constituent parts of remorse.

Our moral sentiments respecting *ourselves* arise from those which others feel concerning us. We feel a self-approbation whenever we believe that the general feeling of mankind coincides with that state of mind in which we ourselves were at a given time. "We suppose ourselves the spectators of our own behaviour, and endeavour to imagine what effect it would in this light produce in us." We must view our own conduct with the eyes of others before we can judge it. The sense of duty arises from putting ourselves in the place of others, and adopting their sentiments respecting our own conduct. In utter solitude there could have been no self-approbation. The rules of Morality are a summary of those sentiments; and often beneficially stand in their stead when the self-delusions of passion would otherwise hide from us the non-con-

formity of our state of mind with that which, in the circumstances, can be entered into and approved by impartial by-standers. It is hence that we learn to raise our mind above local or temporary clamour, and to fix our eyes on the surest indications of the general and lasting sentiments of human nature. "When we approve of any character or action, our sentiments are derived from four sources: *first*, we sympathise with the motives of the agent; *secondly*, we enter into the gratitude of those who have been benefited by his actions; *thirdly*, we observe that his conduct has been agreeable to the general rules by which those two sympathies generally act; and, *last of all*, when we consider such actions as forming part of a system of behaviour which tends to promote the happiness either of the individual or of society, they appear to derive a beauty from this utility, not unlike that which we ascribe to any well-contrived machine." *

REMARKS.

That Smith is the first who has drawn the attention of philosophers to one of the most curious and important parts of human nature,—who has looked closely and steadily into the workings of Sympathy, its sudden action and re-action, its instantaneous conflicts and its emotions, its minute play and varied illusions, is sufficient to place him high among the cultivators of mental philosophy. He is very original in applications and explanations; though, for his principle, he is somewhat indebted to Butler, more to Hutcheson, and most of all to Hume. These writers, except Hume in his original work, had derived sympathy, or a great part of it, from benevolence †: Smith, with deeper insight, inverted the order. The great part performed by various sympathies in moral

* Theory of Moral Sentiments, Edinb. 1801. ii. 304.

† There is some confusion regarding this point in Butler's first sermon on Compassion.

approbation was first unfolded by him; and besides its intrinsic importance, it strengthened the proofs against those theories which ascribe that great function to Reason. Another great merit of the theory of "sympathy" is, that it brings into the strongest light that most important characteristic of the moral sentiments which consists in their being the only principles leading to action, and dependent on emotion or sensibility, with respect to the objects of which, it is not only possible but natural for all mankind to agree.*

The main defects of this theory seem to be the following.

1. Though it is not to be condemned for declining inquiry into the origin of our fellow-feeling, which, being one of the most certain of all facts, might well be assumed as ultimate in speculations of this nature, it is evident that the circumstances to which some speculators ascribe the formation of sympathy at least contribute to strengthen or impair, to contract or expand it. It will appear, more conveniently, in the next article, that the theory of "sympathy" has suffered from the omission of these circumstances. For the present, it is enough to observe how much our compassion for various sorts of animals, and our fellow feeling with various races of men, are proportioned to the resemblance which they bear to ourselves, to the frequency of our intercourse with them, and to other causes which, in the opinion of some, afford evidence that sympathy itself is dependent on a more general law.

2. Had Smith extended his view beyond the mere play of sympathy itself, and taken into account all

* The feelings of beauty, grandeur, and whatever else is comprehended under the name of Taste, form no exception, for *they do not lead to action*, but terminate in delightful contemplation; which constitutes the essential distinction between them and the moral sentiments, to which, in some points of view, they may doubtless be likened.

its preliminaries, and accompaniments, and consequences, it seems improbable that he would have fallen into the great error of representing the sympathies in their primitive state, without undergoing any transformation, as continuing exclusively to constitute the moral sentiments. He is not content with teaching that they are the roots out of which these sentiments grow, the stocks on which they are grafted, the elements of which they are compounded;—doctrines to which nothing could be objected but their unlimited extent. He tacitly assumes, that if a sympathy in the beginning caused or formed a moral approbation, so it must ever continue to do. He proceeds like a geologist who should tell us that the body of this planet had always been in the same state, shutting his eyes to transition states, and secondary formations; or like a chemist who should inform us that no compound substance can possess new qualities entirely different from those which belong to its materials. His acquiescence in this old and still general error is the more remarkable, because Mr. Hume's beautiful Dissertation on the Passions * had just before opened a striking view of some of the compositions and decompositions which render the mind of a formed man as different from its original state, as the organisation of a complete animal is from the condition of the first dim speck of vitality. It is from this oversight (ill supplied by moral rules,—a loose stone in his building) that he has exposed himself to objections founded on experience, to which it is impossible to attempt any answer. For it is certain that in many, nay in most cases of moral approbation, the adult man approves the action or disposition merely *as right*, and with a distinct consciousness that no process of sympathy intervenes between the approval and its object. It is certain that an unbiassed person would call it *moral approbation*, only as far as

* Essays and Treatises, vol. ii.

it excluded the interposition of any reflection between the conscience and the mental state approved. Upon the supposition of an unchanged state of our active principles, it would follow that sympathy never had any share in the greater part of them. Had he admitted the sympathies to be only elements entering into the formation of Conscience, their disappearance, or their appearance only as auxiliaries, after the mind is mature, would have been no more an objection to his system, than the conversion of a substance from a transitional to a permanent state is a perplexity to the geologist. It would perfectly resemble the destruction of qualities, which is the ordinary effect of chemical composition.

3. The same error has involved him in another difficulty perhaps still more fatal. The sympathies have nothing more of an *imperative* character than any other emotions. They attract or repel like other feelings, according to their intensity. If, then, the sympathies continue in mature minds to constitute the whole of Conscience, it becomes utterly impossible to explain the character of command and supremacy, which is attested by the unanimous voice of mankind to belong to that faculty, and to form its essential distinction. Had he adopted the other representation, it would be possible to conceive, perhaps easy to explain, that Conscience should possess a quality which belonged to none of its elements.

4. It is to this representation that Smith's theory owes that unhappy appearance of rendering the rule of our conduct dependent on the notions and passions of those who surround us, of which the utmost efforts of the most refined ingenuity have not been able to divest it. This objection, or topic, is often ignorantly urged; the answers are frequently solid; but to most men they must always appear to be an ingenious and intricate contrivance of cycles and epicycles, which perplex the mind too much to satisfy it, and seem devised to evade difficulties which cannot be solved.

All theories which treat Conscience as built up by circumstances inevitably acting on all human minds, are, indeed, liable to somewhat of the same misconception; unless they place in the strongest light (what Smith's theory excludes) the total destruction of the scaffolding, which was necessary only to the erection of the building, after the mind is adult and mature, and warn the hastiest reader, that it then rests on its own foundation alone.

5. The constant reference of our own dispositions and actions to the point of view from which they are estimated by others, seems to be rather an excellent expedient for preserving our impartiality, than a fundamental principle of Ethics. But impartiality, which is no more than a removal of some hinderance to right judgment, supplies no materials for its exercise, and no rule, or even principle, for its guidance. It nearly coincides with the Christian precept of "doing unto others as we would they should do unto us;"—an admirable practical maxim, but, as Leibnitz has said truly, intended only as a correction of self-partiality.

6. Lastly, this ingenious system renders all morality *relative*, by referring it to the pleasure of an agreement of our feelings with those of others,—by confining itself entirely to the question of moral approbation, and by providing no place for the consideration of that quality which distinguishes all good from all bad actions;—a defect which will appear in the sequel to be more immediately fatal to a theorist of the *sentimental*, than to one of the *intellectual* school. Smith shrinks from considering utility in that light, as soon as it presents itself, or very strangely ascribes its power over our moral feelings to admiration of the mere adaptation of means to ends, (which might surely be as well felt for the production of widespread misery, by a consistent system of wicked conduct,)—instead of ascribing it to benevolence, with Hutcheson and Hume, or to an extension of that very sympathy which is his own first principle.

RICHARD PRICE.*

About the same time with the celebrated work of Smith, but with a popular reception very different, Dr. Richard Price, an excellent and eminent nonconformist minister, published A Review of the principal Questions in Morals†; — an attempt to revive the intellectual theory of moral obligation, which seemed to have fallen under the attacks of Butler, Hutcheson, and Hume, and before that of Smith. It attracted little observation at first; but being afterwards countenanced by the Scottish school, it may seem to deserve some notice, at a moment when the kindred speculations of the German metaphysicians have effected an establishment in France, and are no longer unknown in England.

The Understanding itself is, according to Price, an independent source of simple ideas. "The various kinds of agreement and disagreement between our ideas, spoken of by Locke, are so many new simple ideas." "This is true of our ideas of proportion, of our ideas of identity and diversity, existence, connection, cause and effect, power, possibility, and of our ideas of right and wrong." "The first relates to quantity, the last to actions, the rest to all things." "Like all other simple ideas, they are undefinable."

It is needless to pursue this theory farther, till an answer shall be given to the observation made before, that as no perception or judgment, or other unmixed act of Understanding, merely as such, and without the agency of some intermediate *emotion*, can affect the Will, the account given by Dr. Price of perceptions of judgments respecting moral subjects, does not advance one step towards the explanation of the authority of Conscience over the Will, which is the

* Born, 1723; died, 1791.

† The third edition was published at London in 1787.

matter to be explained. Indeed, this respectable writer felt the difficulty so much as to allow, "that in contemplating the acts of moral agents, we have both a perception of the understanding and a feeling of the heart." He even admits, that it would have been highly pernicious to us if our reason had been left without such support. But he has not shown how, on such a supposition, we could have acted on a mere opinion; nor has he given any proof that what he calls "support" is not, in truth, the whole of what directly produces the conformity of voluntary acts to Morality.*

DAVID HARTLEY.†

The work of Dr. Hartley, entitled "Observations on Man‡," is distinguished by an uncommon union of originality with modesty, in unfolding a simple and fruitful principle of human nature. It is disfigured by the absurd affectation of mathematical forms then prevalent; and it is encumbered and deformed by a mass of physiological speculations,—groundless, or at best uncertain, and wholly foreign from its proper purpose,—which repel the inquirer into mental philosophy from its perusal, and lessen the respect of the physiologist for the author's judgment. It is an unfortunate example of the disposition predominant

* The following sentences will illustrate the text, and are in truth applicable to all moral theories on merely intellectual principles: "Reason alone, did we possess it in a higher degree, would answer all the ends of the passions. Thus there would be no need of parental affection, were all parents sufficiently acquainted with the reasons for taking upon them the guidance and support of those whom Nature has placed under their care, *and were they virtuous enough to be always determined by those reasons?*" —Review, p. 121. A very slight consideration will show, that without the last words the preceding part would be utterly false, and with them it is utterly insignificant.

† Born, 1705; died, 1757.

‡ London, 1749.

among undistinguishing theorists to class together all the appearances which are observed at the same time, and in the immediate neighbourhood of each other. At that period, chemical phenomena were referred to mechanical principles; vegetable and animal life were subjected to mechanical or chemical laws: and while some physiologists* ascribed the vital functions to the Understanding, the greater part of metaphysicians were disposed, with a grosser confusion, to derive the intellectual operations from bodily causes. The error in the latter case, though less immediately perceptible, is deeper and more fundamental than in any other, since it overlooks the primordial and perpetual distinction between *the being which thinks* and *the thing which is thought of*,—not to be lost sight of, by the mind's eye, even for a twinkling, without involving all nature in darkness and confusion. Hartley and Condillac †, who, much about the same time, but seemingly without any knowledge of each other's speculations ‡, began in a very similar mode to simplify, but also to mutilate the system of Locke, stopped short of what is called "materialism," which consummates the confusion, but touched its threshold. Thither, it must be owned, their philosophy pointed, and thither their followers proceeded. Hartley and Bonnet §, still more than Condillac, suffered themselves, like

* Among them was G. E. Stahl, born, 1660; died, 1734;—a German physician and chemist of deserved eminence.

† Born, 1715; died, 1780.

‡ Traité sur l'Origine des Connoissances Humaines, 1746; Traité des Systèmes, 1749; Traité des Sensations, 1754. Foreign books were then little and slowly known in England. Hartley's reading, except on theology, seems confined to the physical and mathematical sciences; and his whole manner of thinking and writing is so different from that of Condillac, that there is not the least reason to suppose the work of the one to have been known to the other. The work of Hartley, as we learn from the sketch of his life by his son, prefixed to the edition of 1791, was begun in 1730, and finished in 1746.

§ Born, 1720; died, 1793.

most of their contemporaries, to overlook the important truth, that all the changes in the organs which can be likened to other material phenomena, are nothing more than *antecedents and prerequisites of perception*, bearing not the faintest likeness to it,—as much *outward* in relation to the thinking principle, as if they occurred in any other part of matter; and that the entire comprehension of those changes, if it were attained, would not bring us a step nearer to the nature of thought. They who would have been the first to exclaim against the mistake of a sound for a colour, fell into the more unspeakable error of confounding the perception of objects, as outward, with the consciousness of our own mental operations. Locke's doctrine, that "reflection" was a separate source of ideas, left room for this greatest of all distinctions; though with much unhappiness of expression, and with no little variance from the course of his own speculations. Hartley, Condillac, and Bonnet, in hewing away this seeming deformity from the system of their master, unwittingly struck off the part of the building which, however unsightly, gave it the power of yielding some shelter and guard to truths, of which the exclusion rendered it utterly untenable. They became consistent Nominalists; in reference to whose controversy Locke expresses himself with confusion and contradiction: but on this subject they added nothing to what had been taught by Hobbes and Berkeley. Both Hartley and Condillac* have the merit of having been unseduced by the temptations either of scepticism, or of useless idealism; which,

* The following note of Condillac will show how much he differed from Hartley in his mode of considering the Newtonian hypothesis of vibrations, and how far he was in that respect superior to him. "Je suppose ici et ailleurs que les perceptions de l'âme ont pour cause physique l'ébranlement des fibres du cerveau; *non que je regarde cette hypothèse comme démontrée, mais parcequ'elle est la plus commode pour expliquer ma pensée.*"—Œuvres de Condillac, Paris, 1798, i. 60.

even if Berkeley and Hume could have been unknown to them, must have been within sight. Both agree in referring all the intellectual operations to the "association of ideas," and in representing that association as reducible to the single law, "that ideas which enter the mind at the same time, acquire a tendency to call up each other, which is in direct proportion to the frequency of their having entered together." In this important part of their doctrine they seem, whether unconsciously or otherwise, to have only repeated, and very much expanded, the opinion of Hobbes.* In its simplicity it is more agreeable than the system of Mr. Hume, who admitted five independent laws of association; and it is in comprehension far superior to the views of the same subject by Mr. Locke, whose ill-chosen name still retains its place in our nomenclature, but who only appeals to the principle as explaining some fancies and whimsies of the human mind. The capital fault of Hartley is that of a rash generalisation, which may prove imperfect, and which is at least premature. All attempts to explain instinct by this principle have hitherto been unavailing: many of the most important processes of reasoning have not hitherto been accounted for by it.† It would appear by a close examination, that even this theory, simple as it appears, *presupposes* many facts relating to the mind, of which its authors do not seem to have suspected the existence. How many ultimate facts of that nature, for example, are contained and involved in Aristotle's celebrated comparison of the mind in its first state to a sheet of unwritten paper!‡ The texture

* Human Nature, chap. iv. v. vi. For more ancient statements, see Note T.

† "Ce que les logiciens ont dit des raisonnements dans bien des volumes, me paroit entièrement superflu, et de nul usage." Condillac, i. 115.; an assertion of which the gross absurdity will be apparent to the readers of Dr. Whateley's Treatise on Logic, one of the most important works of the present age.

‡ See Note U.

of the paper, even its colour, the sort of instrument fit to act on it, its capacity to receive and to retain impressions, all its differences, from steel on the one hand to water on the other, certainly presuppose some facts, and may imply many, without a distinct statement of which, the nature of writing could not be explained to a person wholly ignorant of it. How many more, as well as greater laws, may be necessary to enable mind to perceive outward objects! If the power of perception may be thus dependent, why may not what is called the "association of ideas," the attraction between thoughts, the power of one to suggest another, be affected by mental laws hitherto unexplored, perhaps unobserved?

But, to return from this digression into the intellectual part of man, it becomes proper to say, that the difference between Hartley and Condillac, and the immeasurable superiority of the former, are chiefly to be found in the application which Hartley first made of the law of association to that other unnamed portion of our nature with which Morality more immediately deals;—that which feels pain and pleasure,—is influenced by appetites and loathings, by desires and aversions, by affections and repugnances. Condillac's Treatise on Sensation, published five years after the work of Hartley, reproduces the doctrine of Hobbes, with its root, namely, that love and hope are but transformed "sensations*," (by which he means perceptions of the senses), and its wide-spread branches, consisting in desires and passions, which are only modifications of self-love. "The words 'goodness' and 'beauty,'" says he, almost in the very words of Hobbes, "express those qualities of things by which they contribute to our pleasures."† In the whole of his philosophical works, we find no trace of any desire pro-

* Condillac, iii. 21.; more especially Traité des Sensations, part ii. chap. vi. "Its love for outward objects is only an effect of love for itself."

† Traité des Sensations, part iv. chap. iii.

duced by association, of any disinterested principle, or indeed of any distinction between the percipient and what, perhaps, we may venture to call the *emotive* or the *pathematic* part of human nature, for the present, until some more convenient and agreeable name shall be hit on by some luckier or more skilful adventurer.

To the ingenious, humble, and anxiously conscientious character of Hartley himself, we owe the knowledge that, about the year 1730, he was informed that the Rev. Mr. Gay of Sidney-Sussex College, Cambridge, then living in the west of England, asserted the possibility of deducing all our intellectual pleasures and pains from association; that this led him (Hartley) to consider the power of association; and that about that time Mr. Gay published his sentiments on this matter in a dissertation prefixed to Bishop Law's Translation of King's Origin of Evil.* No writer deserves the praise of abundant fairness more than Hartley in this avowal. The dissertation of which he speaks is mentioned by no philosopher but himself. It suggested nothing apparently to any other reader. The general texture of it is that of homespun selfishness. The writer had the merit to see and to own that Hutcheson had established as a fact the reality of moral sentiments and disinterested affections. He blames, perhaps justly, that most ingenious man†, for

* Hartley's preface to the Observations on Man. The word "intellectual" is too narrow. Even "mental" would be of very doubtful propriety. The theory in its full extent requires a word such as "inorganic" (if no better can be discovered), extending to all gratification, not distinctly referred to some specific organ, or at least to some assignable part of the bodily frame.

† It has not been mentioned in its proper place, that Hutcheson appears nowhere to greater advantage than in some letters on the Fable of the Bees, published when he was very young, at Dublin, with the signature of "Hibernicus." "Private vices — public benefits," says he, "may signify any one of these five distinct propositions: 1st. They are in themselves public benefits; or, 2nd. They naturally produce public happiness; or, 3rd. They

assuming that these sentiments and affections are implanted, and partake of the nature of instincts. The object of his dissertation is to reconcile the mental appearances described by Hutcheson with the first principle of the selfish system, that "the true principle of all our actions is our own happiness." Moral feelings and social affections are, according to him, "resolvable into reason, pointing out our private happiness; and *whenever this end is not perceived*, they are to be accounted for from the association of ideas." Even in the single passage in which he shows a glimpse of the truth, he begins with confusion, advances with hesitation, and after holding in his grasp for an instant the principle which sheds so strong a light around it, suddenly drops it from his hand. Instead of receiving the statements of Hutcheson (his silence relating to Butler is unaccountable) as enlargements of the science of man, he deals with them merely as difficulties to be reconciled with the received system of universal selfishness. In the conclusion of his fourth section, he well exemplifies the power of association in forming the love of money, of fame, of power, &c.; but he still treats these effects of association as aberrations and infirmities, the fruits of our forgetfulness and shortsightedness, and not at all as the great process employed to sow and rear the most important principles of a social and moral nature.

This precious mine may therefore be truly said to have been opened by Hartley; for he who did such superabundant justice to the hints of Gay, would assuredly not have withheld the like tribute from Hutcheson, had he observed the happy expression of "secondary passions," which ought to have led that philosopher himself farther than he ventured to ad-

may be made to produce it; or, 4th. They may naturally flow from it; or, 5th. At least they may probably flow from it in our infirm nature." See a small volume containing Thoughts on Laughter, and Remarks on the Fable of the Bees, Glasgow, 1758, in which these letters are republished.

vance. The extraordinary value of this part of Hartley's system has been hidden by various causes, which have also enabled writers, who have borrowed from it, to decry it. The influence of his medical habits renders many of his examples displeasing, and sometimes disgusting. He has none of that knowledge of the world, of that familiarity with Literature, of that delicate perception of the beauties of Nature and Art, which not only supply the most agreeable illustrations of mental philosophy, but afford the most obvious and striking instances of its happy application to subjects generally interesting. His particular applications of the general law are often mistaken, and are seldom more than brief notes and hasty suggestions;—the germs of theories which, while some might adopt them without detection, others might discover without being aware that they were anticipated. To which it may be added, that in spite of the imposing forms of Geometry, the work is not really distinguished by good method, or even uniform adherence to that which had been chosen. His style is entitled to no praise but that of clearness, and a simplicity of diction, through which is visible a singular simplicity of mind. No book perhaps exists which, with so few of the common allurements, comes at last so much to please by the picture it presents of the writer's character,—a character which kept him pure from the pursuit, often from the consciousness of novelty, and rendered him a discoverer in spite of his own modesty. In those singular passages in which, amidst the profound internal tranquillity of all the European nations, he foretells approaching convulsions, to be followed by the overthrow of states and Churches, his quiet and gentle spirit, elsewhere almost ready to inculcate passive obedience for the sake of peace, is supported under its awful forebodings by the hope of that general progress in virtue and happiness which he saw through the preparatory confusion. A meek piety, inclining towards mysticism, and sometimes indulging in visions

which borrow a lustre from his fervid benevolence, was beautifully, and perhaps singularly, blended in him with zeal for the most unbounded freedom of inquiry, flowing both from his own conscientious belief and his unmingled love of Truth. Whoever can so far subdue his repugnance to petty or secondary faults as to bestow a careful perusal on the work, must be unfortunate if he does not see, feel, and own, that the writer was a great philosopher and a good man.

To those who thus study the work, it will be apparent that Hartley, like other philosophers, either overlooked or failed explicitly to announce that distinction between perception and emotion, without which no system of mental philosophy is complete. Hence arose the partial and incomplete view of Truth conveyed by the use of the phrase "association of ideas." If the word "association," which rather indicates the connection between separate things than the perfect combination and fusion which occur in many operations of the mind, must, notwithstanding its inadequacy, still be retained, the phrase ought at least to be "association" of thoughts *with emotions*, as well as *with each other*. With that enlargement an objection to the Hartleian doctrine would have been avoided, and its originality, as well as superiority over that of Condillac, would have appeared indisputable. The examples of avarice and other factitious passions are very well chosen; first, because few will be found to suppose that they are original principles of human nature*; secondly, because the process by which they are generated, being subsequent to the age of attention and recollection, may be brought home to the understanding of all men; and, thirdly, because they afford

* A very ingenious man, Lord Kames, whose works had a great effect in rousing the mind of his contemporaries and countrymen, has indeed fancied that there is "a hoarding instinct" in man and other animals. But such conclusions are not so much objects of confutation, as ludicrous proofs of the absurdity of the premises which lead to them.

the most striking instance of secondary passions, which not only become independent of the primary principles from which they are derived, but hostile to them, and so superior in strength as to be capable of overpowering their parents. As soon as the mind becomes familiar with the frequent case of the man who first pursued money to purchase pleasure, but at last, when he becomes a miser, loves his hoard better than all that it could purchase, and sacrifices all pleasures for its increase, we are prepared to admit that, by a like process, the affections, when they are fixed on the happiness of others as their ultimate object, without any reflection on self, may not only be perfectly detached from self-regard or private desires, but may subdue these and every other antagonist passion which can stand in their way. As the miser loves money for its own sake, so may the benevolent man delight in the well-being of his fellows. His good-will becomes as disinterested as if it had been implanted and underived. The like process applied to what is called "self-love," or the desire of permanent well-being, clearly explains the mode in which that principle is gradually formed from the separate appetites, without whose previous existence no notion of well-being could be obtained. In like manner, sympathy, perhaps itself the result of a transfer of our own personal feelings by association to other sentient beings, and of a subsequent transfer of their feelings to our own minds, engenders the various social affections, which at last generate in most minds some regard to the well-being of our country, of mankind, of all creatures capable of pleasure. Rational Self-love controls and guides those far keener self-regarding passions of which it is the child, in the same manner as general benevolence balances and governs the variety of much warmer social affections from which it springs. It is an ancient and obstinate error of philosophers to represent these two calm principles as being the source of the impelling passions and affections, instead of

being among the last results of them. Each of them exercises a sort of authority in its sphere; but the dominion of neither is co-existent with the whole nature of man. Though they have the power to quicken and check, they are both too feeble to impel; and if the primary principles were extinguished, they would both perish from want of nourishment. If indeed all appetites and desires were destroyed, no subject would exist on which either of these general principles could act.

The affections, desires, and emotions, having for their ultimate object the dispositions and actions of voluntary agents, which alone, from the nature of their object, are co-extensive with the whole of our active nature, are, according to the same philosophy, necessarily formed in every human mind by the transfer of feeling which is effected by the principle of Association. Gratitude, pity, resentment, and shame, seem to be the simplest, the most active, and the most uniform elements in their composition. It is easy to perceive how the complacency inspired by a benefit may be transferred to a benefactor, — thence to all beneficent beings and acts. The well-chosen instance of the nurse familiarly exemplifies the manner in which the child transfers his complacency from the gratification of his senses to the cause of it, and thus learns an affection for her who is the source of his enjoyment. With this simple process concur, in the case of a tender nurse, and far more of a mother, a thousand acts of relief and endearment, the complacency that results from which is fixed on the person from whom they flow, and in some degree extended by association to all who resemble that person. So much of the pleasure of early life depends on others, that the like process is almost constantly repeated. Hence the origin of benevolence may be understood, and the disposition to approve all benevolent, and disapprove all malevolent acts. Hence also the same approbation and disapprobation are

extended to all acts which we clearly perceive to promote or obstruct the happiness of men. When the complacency is expressed in action, benevolence may be said to be transformed into a part of Conscience. The rise of sympathy may probably be explained by the process of association, which transfers the feelings of others to ourselves, and ascribes our own feelings to others, — at first, and in some degree always, in proportion as the resemblance of ourselves to others is complete. The likeness in the outward signs of emotion is one of the widest channels in this commerce of hearts. Pity thereby becomes one of the grand sources of benevolence, and perhaps contributes more largely than gratitude: it is indeed one of the first motives to the conferring of those benefits which inspire grateful affection. Sympathy with the sufferer, therefore, is also transformed into a real sentiment, directly approving benevolent actions and dispositions, and more remotely, all actions that promote happiness. The anger of the sufferer, first against all causes of pain, afterwards against all intentional agents who produce it, and finally against all those in whom the infliction of pain proceeds from a mischievous disposition, when it is communicated to others by sympathy, and is so far purified by gradual separation from selfish and individual interest as to be equally felt against all wrong-doers, — whether the wrong be done against ourselves, our friends, or our enemies, — it is the root out of which springs that which is commonly and well called a "sense of justice" — the most indispensable, perhaps, of all the component parts of the moral faculties.

This is the main guard against Wrong. It relates to that portion of Morality where many of the outward acts are capable of being reduced under certain rules, of which the violations, wherever the rule is sufficiently precise, and the mischief sufficiently great, may be guarded against by the terror of punishment. In the observation of the rules of justice consists *duty;*

breaches of them we denominate "*crimes.*" An abhorrence of crimes, especially of those which indicate the absence of benevolence, as well as of regard for justice, is strongly felt; because well-framed penal laws, being the lasting declaration of the moral indignation of many generations of mankind, as long as they remain in unison with the sentiments of the age and country for which they are destined, exceedingly strengthen the same feeling in every individual; and this they do wherever the laws do not so much deviate from the habitual feelings of the multitude as to produce a struggle between law and sentiment, in which it is hard to say on which side success is most deplorable. A man who performs his duties may be esteemed, but is not admired; because it requires no more than ordinary virtue to act well where it is shameful and dangerous to do otherwise. The righteousness of those who act solely from such inferior motives, is little better than that "of the Scribes and Pharisees." Those only are just in the eye of the moralist who act justly from a constant disposition to render to every man his own.* Acts of kindness, of generosity, of pity, of placability, of humanity, when they are long continued, can hardly fail mainly to flow from the pure fountain of an excellent nature. They are not reducible to rules; and the attempt to enforce them by punishment would destroy them. They are *virtues*, of which the essence consists in a good disposition of mind.

As we gradually transfer our desire from praise to praiseworthiness, this principle also is adopted into consciousness. On the other hand, when we are led by association to feel a painful contempt for those feelings and actions of our past self which we despise

* "Justitia est constans et perpetua voluntas suum cuique tribuendi;" an excellent definition in the mouth of the Stoical moralists, from whom it is borrowed, but altogether misplaced by the Roman jurists in a body of laws which deal only with outward acts in their relation to the order and interest of society.

in others, there is developed in our hearts another element of that moral sense. It is a remarkable instance of the power of the law of Association, that the contempt or abhorrence which we feel for the bad actions of others may be transferred by it, in any degree of strength, to our own past actions of the like kind: and as the hatred of bad actions is transferred to the agent, the same transfer may occur in our own case in a manner perfectly similar to that of which we are conscious in our feelings towards our fellow-creatures. There are many causes which render it generally feebler; but it is perfectly evident that it requires no more than a sufficient strength of moral feeling to make it equal; and that the most apparently hyperbolical language used by penitents, in describing their remorse, may be justified by the principle of Association.

At this step in our progress, it is proper to observe, that a most important consideration has escaped Hartley, as well as every other philosopher.* The language of all mankind implies that the Moral Faculty, whatever it may be, and from what origin soever it may spring, is intelligibly and properly spoken of as ONE. It is as common in mind, as in matter, for a compound to have properties not to be found in any of its constituent parts. The truth of this proposition is as certain in the human feelings as in any material combination. It is therefore easily to be understood, that originally separate feelings may be so perfectly blended by a process performed in each mind, that they can no longer be disjoined from each other, but must always co-operate, and thus reach the only union which we can conceive. The sentiment of moral approbation, formed by association out of antecedent affections, may become so perfectly independent of them, that we are no longer conscious of the means by which it was formed, and never can

* See *suprà*, section on Butler.

in practice repeat, though we may in theory perceive, the process by which it was generated. It is in that mature and sound state of our nature that our emotions at the view of Right and Wrong are ascribed to Conscience. But why, it may be asked, do these feelings, rather than others, run into each other, and constitute Conscience? The answer seems to be what has already been intimated in the observations on Butler. The affinity between these feelings consists in this, that while all other feelings relate to outward objects, they alone contemplate exclusively the *dispositions and actions of voluntary agents.* When they are completely transferred from objects, and even persons, to dispositions and actions, they are fitted, by the perfect coincidence of their *aim*, for combining to form that one faculty which is directed only to *that* aim.

The words "Duty" and "Virtue," and the word "ought," which most perfectly denotes duty, but is also connected with Virtue, in every well-constituted mind, in this state become the fit language of the acquired, perhaps, but universally and necessarily acquired, faculty of Conscience. Some account of its peculiar nature has been attempted in the remarks on Butler; for a further one a fitter occasion will occur hereafter. Some light may however now be thrown on the subject by a short statement of the hitherto unobserved distinction between the moral sentiments and another class of feelings with which they have some qualities in common. The "pleasures" (so called) of imagination appear, at least in most cases, to originate in association: but it is not till the original cause of the gratification is obliterated from the mind, that they acquire their proper character. Order and proportion may be at first chosen for their convenience: it is not until they are admired for their own sake that they become objects of taste. Though all the proportions for which a horse is valued may be indications of speed, safety, strength, and health, it is

not the less true that they only can be said to admire the animal for his beauty, who leave such considerations out of the account while they admire. The pleasure of contemplation in these particulars of Nature and Art becomes universal and immediate, being entirely detached from all regard to individual beings. It contemplates neither use nor interest. In this important particular the pleasures of imagination agree with the moral sentiments: hence the application of the same language to both in ancient and modern times; — hence also it arises that they may contemplate the very same qualities and objects. There is certainly much beauty in the softer virtues, — much grandeur in the soul of a hero or a martyr: but the essential distinction still remains; the purest moral taste contemplates these qualities only with *quiescent* delight or reverence; it has no further view; it points towards no action. Conscience, on the contrary, containing in it a pleasure in the prospect of doing right, and an ardent desire to act well, having for its sole object the dispositions and acts of voluntary agents, is not, like moral taste, satisfied with passive contemplation, but constantly tends to act on the will and conduct of the man. Moral taste may aid it, may be absorbed into it, and usually contributes its part to the formation of the moral faculty; but it is distinct from that faculty, and may be disproportioned to it. Conscience, being by its nature confined to mental dispositions and voluntary acts, is of necessity excluded from the ordinary consideration of all things antecedent to these dispositions. The circumstances from which such states of mind may arise, are most important objects of consideration for the Understanding; but they are without the sphere of Conscience, which never ascends beyond the heart of the man. It is thus that in the eye of Conscience man becomes amenable to its authority for all his inclinations as well as deeds; that some of them are approved, loved, and revered; and that all the outward effects of dis-

esteem, contempt, or moral anger, are felt to be the just lot of others.

But, to return to Hartley, from this perhaps intrusive statement of what does not properly belong to him: he represents all the social affections of gratitude, veneration, and love, inspired by the virtues of our fellow-men, as capable of being transferred by association to the transcendent and unmingled goodness of the Ruler of the world, and thus to give rise to piety, to which he gives the name of "the theopathetic affection." This principle, like all the former in the mental series, is gradually detached from the trunk on which it grew: it takes separate root, and may altogether overshadow the parent stock. As such a Being cannot be conceived without the most perfect and constant reference to His goodness, so piety may not only become a part of Conscience, but its governing and animating principle, which, after long lending its own energy and authority to every other, is at last described by our philosopher as swallowing up all of them in order to perform the same functions more infallibly.

In every stage of this progress we are taught by Dr. Hartley that a new product appears, which becomes perfectly distinct from the elements which formed it, which may be utterly dissimilar to them, and may attain any degree of vigour, however superior to theirs. Thus the objects of the private desires disappear when we are employed in the pursuit of our lasting welfare; that which was first sought only as a means, may come to be pursued as an end, and preferred to the original end; the good opinion of our fellows becomes more valued than the benefits for which it was at first courted; a man is ready to sacrifice his life for him who has shown generosity, even to others; and persons otherwise of common character are capable of cheerfully marching in a forlorn hope, or of almost instinctively leaping into the sea to save the life of an entire stranger. These

last acts, often of almost unconscious virtue, so familiar to the soldier and the sailor, so unaccountable on certain systems of philosophy, often occur without a thought of applause and reward; — too quickly for the thought of the latter, too obscurely for the hope of the former; and they are of such a nature that no man could be impelled to them by the mere expectation of either.

The gratitude, sympathy, resentment, and shame, which are the principal constituent parts of the Moral Sense, thus lose their separate agency, and constitute an entirely new faculty, co-extensive with all the dispositions and actions of voluntary agents; though some of them are more predominant in particular cases of moral sentiment than others, and though the aid of all continues to be necessary in their original character, as subordinate but distinct motives of action. Nothing more evidently points out the distinction of the Hartleian system from all systems called "selfish,"—not to say its superiority in respect to disinterestedness over all moral systems before Butler and Hutcheson,—than that excellent part of it which relates to the "rule of life." The various principles of human action rise in value according to the order in which they spring up after each other. We can then only be in a state of as much enjoyment as we are evidently capable of attaining, when we prefer interest to the original gratifications; honour to interest; the pleasures of imagination to those of sense; the dictates of Conscience to pleasure, interest, and reputation; the well-being of fellow-creatures to our own indulgences; in a word, when we pursue moral good and social happiness chiefly and for their own sake. "With self-interest," says Hartley, somewhat inaccurately in language, "man must begin. He may end in self-annihilation. Theopathy, or piety, although the last result of the purified and exalted sentiments, may at length swallow up every other principle, and absorb the whole man." Even if this

last doctrine should be an exaggeration unsuited to our present condition, it will the more strongly illustrate the compatibility, or rather the necessary connection, of this theory with the existence and power of perfectly disinterested principles of human action.

It is needless to remark on the *secondary* and *auxiliary* causes which contribute to the formation of moral sentiment; — education, imitation, general opinion, laws, and government. They all presuppose the Moral Faculty; in an improved state of society they contribute powerfully to strengthen it, and on some occasions they enfeeble, distort, and maim it; but in all cases they must themselves be tried by the test of an ethical standard. The value of this doctrine will not be essentially affected by supposing a greater number of original principles than those assumed by Dr. Hartley. The principle of Association applies as much to a greater as to a smaller number. It is a quality common to it with all theories, that the more simplicity it reaches consistently with truth, the more perfect it becomes. Causes are not to be multiplied without necessity. If by a considerable multiplication of primary desires the law of Association were lowered nearly to the level of an auxiliary agent, the philosophy of human nature would still be under indelible obligations to the philosopher who, by his fortunate error, rendered the importance of that great principle obvious and conspicuous.

ABRAHAM TUCKER.*

It has been the remarkable fortune of this writer to have been more prized and more disregarded by the cultivators of moral speculation, than perhaps any other philosopher.† He had many of the qualities

* Born, 1705; died, 1774.

† "I have found in this writer more original thinking and observation upon the several subjects that he has taken in hand than

which might be expected in an affluent country gentlemen, living in a privacy undisturbed by political zeal, and with a leisure unbroken by the calls of a profession, at a time when England had not entirely renounced her old taste for metaphysical speculation. He was naturally endowed, not indeed with more than ordinary acuteness or sensibility, nor with a high degree of reach and range of mind, but with a singular capacity for careful observation and original reflection, and with a fancy perhaps unmatched in producing various and happy illustration. The most observable of his moral qualities appear to have been prudence and cheerfulness, good-nature and easy temper. The influence of his situation and character is visible in his writings. Indulging his own tastes and fancies, like most English squires of his time, he became, like many of them, a sort of humourist. Hence much of his originality and independence; hence the boldness with which he openly employs illustrations from homely objects. He wrote to please himself more than the public. He had too little regard for readers, either to sacrifice his sincerity to them, or to curb his own prolixity, repetition, and egotism, from the fear of fatiguing them. Hence he became as loose, as rambling, and as much an egotist as Montaigne; but not so agreeably so, notwithstanding a considerable resemblance of genius; because he wrote on subjects where disorder and egotism are unseasonable, and for readers whom they disturb instead of amusing. His prolixity at last so increased itself, when his work became long, that repetition in the latter parts partly arose from forgetfulness of the

in any other,—not to say than in all others put together. His talent also for illustration is unrivalled."—Paley, Preface to Moral and Political Philosophy. See the excellent preface to an abridgment, by Mr. Hazlitt, of Tucker's work, published in London in 1807. May I venture to refer also to my own Discourse on the Law of Nature and Nations, London, 1799? Mr. Stewart treats Tucker and Hartley with unwonted harshness.

former; and though his freedom from slavish deference to general opinion is very commendable, it must be owned, that his want of a wholesome fear of the public renders the perusal of a work which is extremely interesting, and even amusing in most of its parts, on the whole a laborious task. He was by early education a believer in Christianity, if not by natural character religious. His calm good sense and accommodating temper led him rather to explain established doctrines in a manner agreeable to his philosophy, than to assail them. Hence he was represented as a time-server by freethinkers, and as a heretic by the orthodox.* Living in a country where the secure tranquillity flowing from the Revolution was gradually drawing forth all mental activity towards practical pursuits and outward objects, he hastened from the rudiments of mental and moral philosophy, to those branches of it which touch the business of men.† Had he recast without changing his thoughts,—had he detached those ethical observations for which he had so peculiar a vocation, from the disputes of his country and his day, he might have thrown many of his chapters into their proper form of essays, and these might have been compared, though not likened, to those of Hume. But the country gentleman, philosophic as he was, had too much fondness for his own humours to engage in a course of drudgery and deference. It may, however, be confidently added, on the authority of all those

* This disposition to compromise and accommodation, which is discoverable in Paley, was carried to its utmost length by Mr. Hey, a man of much acuteness, Professor of Divinity at Cambridge.

† Perhaps no philosopher ever stated more justly, more naturally, or more modestly than Tucker, the ruling maxim of his life. "My thoughts," says he, "have taken a turn from my earliest youth towards searching into the foundations and measures of Right and Wrong; my love for retirement has furnished me with continual leisure; and the exercise of my reason has been my daily employment."

who have fairly made the experiment, that whoever, unfettered by a previous system, undertakes the labour necessary to discover and relish the high excellences of this metaphysical Montaigne, will find his toil lightened as he proceeds, by a growing indulgence, if not partiality, for the foibles of the humourist, and at last rewarded, in a greater degree perhaps than by any other writer on mixed and applied philosophy, by being led to commanding stations and new points of view, whence the mind of a moralist can hardly fail to catch some fresh prospects of Nature and duty.

It is in mixed, not in pure philosophy, that his superiority consists. In the part of his work which relates to the Intellect, he has adopted much from Hartley, hiding but aggravating the offence by a change of technical terms; and he was ungrateful enough to countenance the vulgar sneer which involves the mental analysis of that philosopher in the ridicule to which his physiological hypothesis is liable.* Thus, for the Hartleian term "association" he substitutes that of "translation," when adopting the same theory of the principles which move the mind to action. In the practical and applicable part of that inquiry he indeed far surpasses Hartley; and it is little to add, that he unspeakably exceeds that bare and naked thinker in the useful as well as admirable faculty of illustration. In the strictly theoretical part his exposition is considerably fuller; but the defect of his genius becomes conspicuous when he handles a very general principle. The very term "translation" ought to have kept up in his mind a steady conviction that the secondary motives to action become as inde-

* Light of Nature, vol. ii. chap. xviii., of which the conclusion may be pointed out as a specimen of perhaps unmatched fruitfulness, vivacity, and felicity of illustration. The admirable sense of the conclusion of chap. xxv. seems to have suggested Paley's good chapter on Happiness. The alteration of Plato's comparison of Reason to a charioteer, and the passions to the horses, in chap. xxvi., is of characteristic and transcendent excellence.

pendent, and seek their own objects as exclusively, as the primary principles. His own examples are rich in proofs of this important truth. But there is a slippery descent in the theory of human nature, by which he, like most of his forerunners, slid unawares into Selfishness. He was not preserved from this fall by seeing that all the deliberate principles which have self for their object are themselves of *secondary formation;* and he was led into the general error by the notion that pleasure, or, as he calls it, "satisfaction," was the original and sole object of all appetites and desires;—confounding this with the true, but very different proposition, that the attainment of all the objects of appetite and desire is productive of pleasure. He did not see that, without presupposing desires, the word "pleasure" would have no signification; and that the representations by which he was seduced would leave only *one appetite* or *desire* in human nature. He had no adequate and constant conception, that the translation of desire from being the end to be the means occasioned the formation of a new passion, which is perfectly distinct from, and altogether independent of, the original desire. Too frequently (for he was neither obstinate nor uniform in error) he considered these translations as accidental defects in human nature, not as the appointed means of supplying it with its variety of active principles. He was too apt to speak as if the selfish elements were not destroyed in the new combination, but remained still capable of being recalled, when convenient, like the links in a chain of reasoning, which we pass over from forgetfulness, or for brevity. Take him all in all, however, the neglect of his writings is the strongest proof of the disinclination of the English nation, for the last half century, to metaphysical philosophy.*

* Much of Tucker's chapter on Pleasure, and of Paley's on Happiness (both of which are invaluable), is contained in the

WILLIAM PALEY.*

This excellent writer, who, after Clarke and Butler, ought to be ranked among the brightest ornaments of the English Church in the eighteenth century, is, in the history of philosophy, naturally placed after Tucker, to whom, with praiseworthy liberality, he owns his extensive obligations. It is a mistake to suppose that he owed his system to Hume,—a thinker too refined, and a writer perhaps too elegant, to have naturally attracted him. A coincidence in the principle of Utility, common to both with so many other philosophers, affords no sufficient ground for the supposition. Had he been habitually influenced by Mr. Hume, who has translated so many of the dark and crabbed passages of Butler into his own transparent and beautiful language, it is not possible to suppose that such a mind as that of Paley would have fallen into those principles of gross selfishness of which Mr. Hume is a uniform and zealous antagonist.

The natural frame of Paley's understanding fitted it more for business and the world than for philosophy; and he accordingly enjoyed with considerable relish the few opportunities which the latter part of his life afforded of taking a part in the affairs of his county as a magistrate. Penetration and shrewdness, firm-

passage of the Traveller, of which the following couplet expresses the main object:

> "Unknown to them when sensual pleasures cloy,
> "To fill the languid pause with finer joy."

"An honest man," says Mr. Hume (Inquiry concerning Morals, § ix.), "has the frequent satisfaction of seeing knaves betrayed by their own maxims." "I used often to laugh at your honest simple neighbour Flamborough, and one way or another generally cheated him once a year: yet still the honest man went forward without suspicion, and grew rich, while I still continued tricksy and cunning, and was poor, without the consolation of being honest." Vicar of Wakefield, chap. xxvi.

* Born, 1743; died, 1805.

ness and coolness, a vein of pleasantry, fruitful though somewhat unrefined, with an original homeliness and significancy of expression, were perhaps more remarkable in his conversation, than the restraints of authorship and profession allowed them to be in his writings. Grateful remembrance brings this assemblage of qualities with unfaded colours before the mind at the present moment, after the long interval of twenty-eight years. His taste for the common business and ordinary amusements of life fortunately gave a zest to the company which his neighbours chanced to yield, without rendering him insensible to the pleasures of intercourse with more enlightened society. The practical bent of his nature is visible in the language of his writings, which, on practical matters, is as precise as the nature of the subject requires, but, in his rare and reluctant efforts to rise to first principles, become indeterminate and unsatisfactory; though no man's composition was more free from the impediments which hinder a man's meaning from being quickly and clearly seen. He seldom distinguishes more exactly than is required for palpable and direct usefulness. He possessed that chastised acuteness of discrimination, exercised on the affairs of men, and habitually looking to a purpose beyond the mere increase of knowledge, which forms the character of a lawyer's understanding, and which is apt to render a mere lawyer too subtile for the management of affairs, and yet too gross for the pursuit of general truth. His style is as near perfection in its kind as any in our language. Perhaps no words were ever more expressive and illustrative than those in which he represents the art of life to be that of rightly "setting our habits."

The most original and ingenious of his writings is the Horæ Paulinæ. The Evidences of Christianity are formed out of an admirable translation of Butler's Analogy, and a most skilful abridgment of Lardner's Credibility of the Gospel History. He may be said to have thus given value to two works, of which

the first was scarcely intelligible to the majority of those who were most desirous of profiting by it; while the second soon wearies out the larger part of readers, though the more patient few have almost always been gradually won over to feel pleasure in a display of knowledge, probity, charity, and meekness, unmatched by any other avowed advocate in a case deeply interesting his warmest feelings. ' His Natural Theology is the wonderful work of a man who, after sixty, had studied Anatomy in order to write it; and it could only have been surpassed by one who, to great originality of conception and clearness of exposition, adds the advantage of a high place in the first class of physiologists.*

It would be unreasonable here to say much of a work which is in the hands of so many as his Moral and Political Philosophy. A very few remarks on one or two parts of it may be sufficient to estimate his value as a moralist, and to show his defects as a metaphysician. His general account of Virtue may indeed be chosen for both purposes. The manner in which he deduces the necessary tendency of all virtuous actions to promote general happiness, from the goodness of the Divine Lawgiver (though the principle be not, as has already more than once appeared, peculiar to him, but rather common to most religious philosophers), is characterised by a clearness and vigour which have never been surpassed. It is indeed nearly, if not entirely, an identical proposition, that a Being of unmixed benevolence will prescribe those laws only to His creatures which contribute to their well-being. When we are convinced that a course of conduct is generally beneficial to all men, we cannot help considering it as acceptable to a benevolent Deity. The usefulness of actions is the mark set on them by the Supreme Legislator, by which reasonable

* See Animal Mechanics, by Mr. Charles Bell, published by the Society for the Diffusion of Useful Knowledge.

beings discover it to be His will that such actions should be done. In this apparently unanswerable deduction it is partly admitted, and universally implied, that the principles of Right and Wrong may be treated apart from the manifestation of them in the Scriptures. If it were otherwise, how could men of perfectly different religions deal or reason with each other on moral subjects? How could they regard rights and duties as subsisting between them? To what common principles could they appeal in their differences? Even the Polytheists themselves, those worshippers of

> Gods, partial, changeful, passionate, unjust,
> Whose attributes are rage, revenge, or lust,*

by a happy inconsistency are compelled, however irregularly and imperfectly, to ascribe some general enforcement of the moral code to their divinities. If there were no foundation for Morality antecedent to Revealed Religion, we should want that important test of the conformity of a revelation to pure morality, by which its claim to a divine origin is to be tried. The internal evidence of Religion necessarily presupposes such a standard. The Christian contrasts the precepts of the Koran with the pure and benevolent morality of the Gospel. The Mahometan claims, with justice, a superiority over the Hindoo, inasmuch as the Mussulman religion inculcates the moral perfection of one Supreme Ruler of the world. The ceremonial and exclusive character of Judaism has ever been regarded as an indication that it was intended to pave the way for an universal religion, a morality seated in the heart, and a worship of sublime simplicity. These discussions would be impossible, unless Morality were previously proved or granted to exist. Though the science of Ethics is thus far independent, it by no means follows that there is any equality, or

* Essay on Man, Ep. iii.

that there may not be the utmost inequality, in the moral tendency of religious systems. The most ample scope is still left for the zeal and activity of those who seek to spread important truth. But it is absolutely essential to ethical science that it should contain principles, the authority of which must be recognised by men of every conceivable variety of religious opinion.

The peculiarities of Paley's mind are discoverable in the comparison, or rather contrast, between the practical chapter on Happiness, and the philosophical portion of the chapter on Virtue. "Virtue is the doing good to mankind, in obedience to the will of God, and for the sake of everlasting happiness."* It is not perhaps very important to observe, that these words, which he offers as a "definition," ought in propriety to have been called a "proposition;" but it is much more necessary to say that they contain a false account of Virtue. According to this doctrine, every action not done *for the sake* of the agent's happiness is vicious. Now, it is plain that an act cannot be said to be done for the sake of any thing which is not present to the mind of the agent at the moment of action: it is a contradiction in terms to affirm that a man acts for the sake of any object, of which, however it may be the necessary consequence of his act, he is not at the time fully aware. The *unfelt* consequences of his act can no more influence his will than its *unknown* consequences. Nay, further, a man is only with any propriety said to act for the sake of his chief object; nor can he with entire correctness be said to act for the sake of any thing but his sole object. So that it is a necessary consequence of Paley's proposition, that every act which flows from generosity or benevolence is a vice;—so also is every act of obedience to the will of God, if it arises from any motive but a desire of the reward which He will bestow. Any act of obedience influenced by gratitude, and affection, and

* Book i. chap. vii.

veneration towards Supreme Benevolence and Perfection, is so far imperfect; and if it arises solely from these motives it becomes a vice. It must be owned, that this excellent and most enlightened man has laid the foundations of Religion and Virtue in a more intense and exclusive selfishness than was avowed by the Catholic enemies of Fenelon, when they persecuted him for his doctrine of a pure and disinterested love of God.

In another province, of a very subordinate kind, the disposition of Paley to limit his principles to his own time and country, and to look at them merely as far as they are calculated to amend prevalent vices and errors, betrayed him into narrow and false views. His chapter on what he calls the "Law of Honour" is unjust, even in its own small sphere, because it supposes Honour to *allow* what it *does not forbid;* though the truth be, that the vices enumerated by him are only not *forbidden* by Honour, because they are not within its jurisdiction. He considers it as "a system of rules constructed by people of fashion;"—a confused and transient mode of expression, which may be understood with difficulty by our posterity, and which cannot now be exactly rendered perhaps in any other language. The subject, however, thus narrowed and lowered, is neither unimportant in practice, nor unworthy of the consideration of the moral philosopher. Though all mankind honour Virtue and despise Vice, the degree of respect or contempt is often far from being proportioned to the place which virtues and vices occupy in a just system of Ethics. Wherever higher honour is bestowed on one moral quality than on others of equal or greater moral value, *what is called a "point of honour" may be said to exist.* It is singular that so shrewd an observer as Paley should not have observed a law of honour far more permanent than that which attracted his notice, in the feelings of Europe respecting the conduct of men and women. Cowardice is not so immoral as cruelty,

nor indeed so detestable; but it is more despicable and disgraceful: the female point of honour forbids indeed a great vice, but one not so great as many others by which it is not violated. It is easy enough to see, that where we are strongly prompted to a virtue by a natural impulse, we love the man who is constantly actuated by the amiable sentiment; but we do not consider that which is done without difficulty as requiring or deserving admiration and distinction. The kind affections are their own rich reward, and they are the object of affection to others. To encourage kindness by praise would be to insult it, and to encourage hypocrisy. It is for the conquest of fear, it would be still more for the conquest of resentment,—if that were not, wherever it is real, the cessation of a state of mental agony,—that the applause of mankind is reserved. Observations of a similar nature will easily occur to every reader respecting the point of honour in the other sex. The conquest of natural frailties, especially in a case of far more importance to mankind than is at first sight obvious, is well distinguished as an object of honour, and the contrary vice is punished by shame. Honour is not wasted on those who abstain from acts which are punished by the law. These acts may be avoided without a pure motive. Wherever a virtue is easily cultivable by good men; wherever it is by nature attended by delight; wherever its outward observance is so necessary to society as to be enforced by punishment, it is not the proper object of honour. Honour and shame, therefore, may be reasonably dispensed, without being strictly proportioned to the intrinsic morality of actions, if the inequality of their distribution contributes to the general equipoise of the whole moral system. A wide disproportion, however, or indeed any disproportion not justifiable on moral grounds, would be a depravation of the moral principle. Duelling is among us a disputed case, though the improvement of manners has rendered it so much

more infrequent, that it is likely in time to lose its support from opinion. Those who excuse individuals for yielding to a false point of honour, as in the suicides of the Greeks and Romans, may consistently blame the faulty principle, and rejoice in its destruction. The shame fixed on a Hindoo widow of rank who voluntarily survives her husband, is regarded by all other nations with horror.

There is room for great praise and some blame in other parts of Paley's work. His political opinions were those generally adopted by moderate Whigs in his own age. His language on the Revolution of 1688 may be very advantageously compared, both in precision and in generous boldness*, to that of Blackstone,—a great master of classical and harmonious composition, but a feeble reasoner and a confused thinker, whose writings are not exempt from the charge of slavishness.

It cannot be denied that Paley was sometimes rather a lax moralist, especially on public duties. It is a sin which easily besets men of strong good sense, little enthusiasm, and much experience. They are naturally led to lower their precepts to the level of their expectations. They see that higher pretensions often produce less good,—to say nothing of the hypocrisy, extravagance, and turbulence, which they may be said to foster. As those who claim more from men often gain less, it is natural for more sober and milder casuists to present a more accessible Virtue to their followers. It was thus that the Jesuits began,

* "*Government may be too secure.* The greatest tyrants have been those whose titles were the most unquestioned. Whenever, therefore, the opinion of right becomes too predominant and superstitious, *it is abated by breaking the custom.* Thus the Revolution broke the custom of succession, and thereby moderated, both in the prince and in the people, those lofty notions of hereditary right, which in the one were become a continual incentive to tyranny, and disposed the other to invite servitude, by undue compliances and dangerous concessions."—Book vi. chap. 2.

till, strongly tempted by their perilous station as the moral guides of the powerful, some of them by degrees fell into that absolute licentiousness for which all, not without injustice, have been cruelly immortalised by Pascal. Indulgence which is a great virtue in judgment concerning the actions of others, is too apt, when blended in the same system with the precepts of Morality, to be received as a licence for our own offences. Accommodation, without which society would be painful, and arduous affairs would become impracticable, is more safely imbibed from temper and experience, than taught in early and systematic instruction. The middle region between laxity and rigour is hard to be defined; and it is still harder steadily to remain within its boundaries. Whatever may be thought of Paley's observations on political influence and ecclesiastical subscription to tests, as temperaments and mitigations which may preserve us from harsh judgment, they are assuredly not well qualified to form a part of that discipline which ought to breathe into the opening souls of youth, at the critical period of the formation of character, those inestimable virtues of sincerity, of integrity, of independence, which will even guide them *more safely* through life than will mere prudence; while they provide an inward fountain of pure delight, immeasurably more abundant than all the outward sources of precarious and perishable pleasure.

JEREMY BENTHAM.*

The general scheme of this Dissertation would be a sufficient reason for omitting the name of a living writer. The devoted attachment and invincible repugnance which an impartial estimate of Mr. Bentham has to encounter on either side, are a strong inducement not to deviate from that scheme in his case.

* Born, 1748; died, 1832.—Ed.

But the most brief sketch of ethical controversy in England would be imperfect without it; and perhaps the utter hopelessness of finding any expedient for satisfying his followers, or softening his opponents, may enable a writer to look steadily and solely at what he believes to be the dictates of Truth and Justice. He who has spoken of former philosophers with unreserved freedom, ought perhaps to subject his courage and honesty to the severest test by an attempt to characterise such a contemporary. Should the very few who are at once enlightened and unbiassed be of opinion that his firmness and equity have stood this trial, they will be the more disposed to trust his fairness where the exercise of that quality may have been more easy.

The disciples of Mr. Bentham are more like the hearers of an Athenian philosopher than the pupils of a modern professor, or the cool proselytes of a modern writer. They are in general men of competent age, of superior understanding, who voluntarily embrace the laborious study of useful and noble sciences; who derive their opinions, not so much from the cold perusal of his writings, as from familiar converse with a master from whose lips these opinions are recommended by simplicity, disinterestedness, originality, and vivacity,—aided rather than impeded by foibles not unamiable,—enforced of late by the growing authority of years and of fame, and at all times strengthened by that undoubting reliance on his own judgment which mightily increases the ascendant of such a man over those who approach him. As he and they deserve the credit of braving vulgar prejudices, so they must be content to incur the imputation of falling into the neighbouring vices of seeking distinction by singularity,—of clinging to opinions, because they are obnoxious,—of wantonly wounding the most respectable feelings of mankind,—of regarding an immense display of method and nomenclature as a sure token of a corresponding increase of know-

ledge,—and of considering themselves as a chosen few, whom an initiation into the most secret mysteries of Philosophy entitles to look down with pity, if not contempt, on the profane multitude. Viewed with aversion or dread by the public, they become more bound to each other and to their master; while they are provoked into the use of language which more and more exasperates opposition to them. A hermit in the greatest of cities, seeing only his disciples, and indignant that systems of government and law which he believes to be perfect, are disregarded at once by the many and the powerful, Mr. Bentham has at length been betrayed into the most unphilosophical hypothesis, that all the ruling bodies who guide the community have conspired to stifle and defeat his discoveries. He is too little acquainted with doubts to believe the honest doubts of others, and he is too angry to make allowance for their prejudices and habits. He has embraced the most extreme party in practical politics;—manifesting more dislike and contempt towards those who are moderate supporters of popular principles than towards their most inflexible opponents. To the unpopularity of his philosophical and political doctrines he has added the more general and lasting obloquy due to the unseemly treatment of doctrines and principles which, if there were no other motives for reverential deference, ought, from a regard to the feelings of the best men, to be approached with decorum and respect.

Fifty-three years have passed since the publication of Mr. Bentham's first work, A Fragment on Government, — a considerable octavo volume, employed in the examination of a short paragraph of Blackstone, unmatched in acute hypercriticism, but conducted with a severity which leads to an unjust estimate of the writer criticised, till the like experiment be repeated on other writings. It was a waste of extraordinary power to employ it in pointing out flaws and patches in the robe occasionally stolen from the

philosophical schools, which hung loosely, and not unbecomingly, on the elegant commentator. This volume, and especially the preface, abounds in fine, original, and just observation; it contains the germs of most of his subsequent productions, and it is an early example of that disregard for the method, proportions, and occasion of a writing which, with all common readers, deeply affects its power of interesting or instructing. Two years after, he published a most excellent tract on the Hard Labour Bill, which, concurring with the spirit excited by Howard's inquiries, laid the foundation of just reasoning on reformatory punishment. The Letters on Usury* are perhaps the best specimen of the exhaustive discussion of a moral or political question, leaving no objection, however feeble, unanswered, and no difficulty, however small, unexplained; — remarkable also, as they are, for the clearness and spirit of the style, for the full exposition which suits them to all intelligent

* They were addressed to Mr. George Wilson, who retired from the English bar to his native country, and died at Edinburgh in 1816; — an early friend of Mr. Bentham, and afterwards an intimate one of Lord Ellenborough, of Sir Vicary Gibbs, and of all the most eminent of his professional contemporaries. The rectitude of judgment, purity of heart, elevation of honour, the sternness only in integrity, the scorn of baseness, and indulgence towards weakness, which were joined in him with a gravity exclusive neither of feeling nor of pleasantry, contributed still more than his abilities and attainments of various sorts, to a moral authority with his friends, and in his profession, which few men more amply possessed, or more usefully exercised. The same character, somewhat softened, and the same influence, distinguished his closest friend, the late Mr. Lens. Both were inflexible and incorruptible friends of civil and religious liberty, and both knew how to reconcile the warmest zeal for that sacred cause, with a charity towards their opponents, which partisans, often more violent than steady, treated as lukewarm. The present writer hopes that the good-natured reader will excuse him for having thus, perhaps unseasonably, bestowed heartfelt commendation on those who were above the pursuit of praise, and the remembrance of whose good opinion and good-will help to support him under a deep sense of faults and vices.

readers, and for the tender and skilful hand with which prejudice is touched. The urbanity of the apology for projectors, addressed to Dr. Smith, whose temper and manner the author seems for a time to have imbibed, is admirable.

The Introduction to the Principles of Morals and Politics, printed before the Letters, but published after them, was the first sketch of his system, and is still the only account of it by himself. The great merit of this work, and of his other writings in relation to Jurisprudence properly so called, is not within our present scope. To the Roman jurists belongs the praise of having allotted a separate portion of their Digest to the signification of the words of the most frequent use in law and legal discussion.* Mr. Bentham not only first perceived and taught the great value of an introductory section, composed of definitions of general terms, as subservient to brevity and precision in every part of a code; but he also discovered the unspeakable importance of natural arrangement in Jurisprudence, by rendering the mere place of a proposed law in such an arrangement a short and easy test of the fitness of the proposal.† But here he does not distinguish between the value

* Digest. lib. i. tit. 16. De Verborum Significatione.

† See a beautiful article on Codification, in the Edinburgh Review, vol. xxix. p. 217. It need no longer be concealed that it was contributed by Sir Samuel Romilly. The steadiness with which he held the balance in weighing the merits of his friend against his unfortunate defects, is an example of his union of the most commanding moral principle with a sensibility so warm, that, if it had been released from that stern authority, it would not so long have endured the coarseness and roughness of human concerns. From the tenderness of his feelings, and from an anger never roused but by cruelty and baseness, as much as from his genius and his pure taste, sprung that original and characteristic eloquence, which was the hope of the afflicted as well as the terror of the oppressor. If his oratory had not flowed so largely from this moral source, which years do not dry up, he would not perhaps have been the only example of an orator who, after the age of sixty, daily increased in polish, in vigour, and in splendour.

of arrangement as scaffolding, and the inferior convenience of its being the very frame-work of the structure. He, indeed, is much more remarkable for laying down desirable rules for the determination of rights, and the punishment of wrongs, in general, than for weighing the various circumstances which require them to be modified in different countries and times, in order to render them either more useful, more easily introduced, more generally respected, or more certainly executed. The art of legislation consists in thus applying the principles of Jurisprudence to the situation, wants, interests, feelings, opinions, and habits, of each distinct community at any given time. It bears the same relation to Jurisprudence which the mechanical arts bear to pure Mathematics. Many of these considerations serve to show, that the sudden establishment of new codes can seldom be practicable or effectual for their purpose; and that reformations, though founded on the principles of Jurisprudence, ought to be not only adapted to the peculiar interests of a people, but engrafted on their previous usages, and brought into harmony with those national dispositions on which the execution of laws depends.* The Romans, under Justinian, adopted at least the true principle, if they did not apply it with sufficient freedom and boldness. They considered the multitude of occasional laws, and the still greater mass of usages, opinions, and determinations, as the materials of legislation, not precluding, but demanding a systematic arrangement of the whole by the supreme authority. Had the arrangement been more scientific, had there been a bolder examination and a more free reform of many particular branches, a model would have been offered for liberal imitation

* An excellent medium between those who absolutely require new codes, and those who obstinately adhere to ancient usages, has been pointed out by M. Meyer, in his most justly celebrated work, Esprit, &c. des Institutions Judiciaires des Principaux Pays l'Europe, La Haye, 1819, tome i. Introduction, p. 8.

by modern lawgivers. It cannot be denied, without injustice and ingratitude, that Mr. Bentham has done more than any other writer to rouse the spirit of juridical reformation, which is now gradually examining every part of law, and which, when further progress is facilitated by digesting the present laws, will doubtless proceed to the improvement of all. Greater praise it is given to few to earn: it ought to satisfy him for the disappointment of hopes which were not reasonable, that Russia should receive a code from him, or that North America could be brought to renounce the variety of her laws and institutions, on the single authority of a foreign philosopher, whose opinions had not worked their way, either into legislation or into general reception, in his own country. It ought also to dispose his followers to do fuller justice to the Romillys and Broughams, without whose prudence and energy, as well as reason and eloquence, the best plans of reformation must have continued a dead letter; — for whose sake it might have been fit to reconsider the obloquy heaped on their profession, and to show more general indulgence to all those whose chief offence seems to consist in their doubts whether sudden changes, almost always imposed by violence on a community, be the surest road to lasting improvement.

It is unfortunate that ethical theory, with which we are now chiefly concerned, is not the province in which Mr. Bentham has reached the most desirable distinction. It may be remarked, both in ancient and in modern times, that whatever modifications prudent followers may introduce into the system of an innovator, the principles of the master continue to mould the habitual dispositions, and to influence the practical tendency of the school. Mr. Bentham preaches the principle of Utility with the zeal of a discoverer. Occupied more in reflection than in reading, he knew not, or forgot, how often it had been the basis, and how generally an essential part, of all moral systems.*

* See Note V.

That in which he really differs from others, is in the Necessity which he teaches, and the example which he sets, of constantly bringing that principle before us. This peculiarity appears to us to be his radical error. In an attempt, of which the constitution of human nature forbids the success, he seems to us to have been led into fundamental errors in moral theory, and to have given to his practical doctrine a dangerous direction.

The confusion of *moral approbation* with the *moral qualities* which are its objects, common to Mr. Bentham with many other philosophers, is much more uniform and prominent in him than in most others. This general error, already mentioned at the opening of this Dissertation, has led him more than others to assume, that because the principle of Utility forms a necessary part of every moral theory, it ought therefore to be the chief motive of human conduct. Now it is evident that this assumption, rather tacitly than avowedly made, is wholly gratuitous. No practical conclusion can be deduced from the principle, but that we ought to cultivate those habitual dispositions which are the most effectual motives to useful actions. But before a regard to our own interest, or a desire to promote the welfare of men in general, be allowed to be the exclusive, or even the chief regulators of human conduct, it must be shown that they are the most effectual motives to such useful actions: it is demonstrated by experience that they are not. It is even owned by the most ingenious writers of Mr. Bentham's school, that desires which are pointed to general and distant objects, although they have their proper place and their due value, are commonly very faint and ineffectual inducements to action. A theory founded on Utility, therefore, requires that we should cultivate, as excitements to practice, those other habitual dispositions which we know by experience to be generally the source of actions beneficial to ourselves and our fellows;—habits of feeling productive

of habits of virtuous conduct, and in their turn strengthened by the re-action of these last. What is the result of experience on the choice of the objects of moral culture? Beyond all dispute, that we should labour to attain that state of mind in which all the social affections are felt with the utmost warmth, giving birth to more comprehensive benevolence, but not supplanted by it;—when the Moral Sentiments most strongly approve what is right and good, without being perplexed by a calculation of consequences, though not incapable of being gradually rectified by Reason, whenever they are decisively proved by experience not to correspond in some of their parts to the universal and perpetual effects of conduct. It is a false representation of human nature to affirm that "courage" is only "prudence."* They coincide in their effects, and it is always prudent to be courageous: but a man who fights *because* he thinks it more hazardous to yield, is not brave. He does not become brave till he feels cowardice to be base and painful, and till he is no longer in need of any aid from prudence. Even if it were the *interest* of every man to be bold, it is clear that so cold a consideration cannot prevail over the fear of danger. Where it seems to do so, it must be by the unseen power either of the fear of shame, or of some other powerful passion, to which it lends its name. It was long ago with striking justice observed by Aristotle, that he who abstains from present gratification, under a distinct apprehension of its painful consequences, is only *prudent*, and that he must acquire a disrelish for excess on its own account, before he deserves the name of a temperate

* Mill, Analysis of the Human Mind, vol. ii. p. 237. It would be unjust not to say that this book, partly perhaps from a larger adoption of the principles of Hartley, holds out fairer opportunities of negotiation with natural feelings and the doctrines of former philosophers, than any other production of the same school. But this very assertion about courage clearly shows at least a forgetfulness that courage, even if it were the offspring of prudence, would not for that reason be a species of it.

man. It is only when the means are firmly and unalterably converted into ends, that the process of forming the mind is completed. Courage may then seek, instead of avoiding danger: Temperance may prefer abstemiousness to indulgence: Prudence itself may choose an orderly government of conduct, according to certain rules, without regard to the degree in which it promotes welfare. Benevolence must desire the happiness of others, to the exclusion of the consideration how far it is connected with that of the benevolent agent; and those alone can be accounted just who obey the dictates of Justice from having thoroughly learned an habitual veneration for her strict rules and for her larger precepts. In that complete state the mind possesses no power of dissolving the combinations of thought and feeling which impel it to action. Nothing in this argument turns on the difference between implanted and acquired principles. As no man can cease, by any act of his, to *see* distance, though the power of seeing it be universally acknowledged to be an acquisition, so no man has the power to extinguish the affections and the moral sentiments (however much they may be thought to be acquired,) any more than that of eradicating the bodily appetites. The best writers of Mr. Bentham's school overlook the indissolubility of these associations, and appear not to bear in mind that their strength and rapid action constitute the perfect state of a moral agent.

The pursuit of our own general welfare, or of that of mankind at large, though from their vagueness and coldness they are unfit habitual motives and unsafe ordinary guides of conduct, yet perform functions of essential importance in the moral system. The former, which we call "self-love," preserves the balance of all the active principles which regard ourselves ultimately, and contributes to subject them to the authority of the moral principles.* The latter, which

* See Note W.

is general benevolence, regulates in like manner the equipoise of the narrower affections, — quickens the languid, and checks the encroaching, — borrows strength from pity, and even from indignation, — receives some compensation, as it enlarges, in the addition of beauty and grandeur, for the weakness which arises from dispersion, — enables us to look on all men as brethren, and overflows on every sentient being. The general interest of mankind, in truth, almost solely affects us through the affections of benevolence and sympathy; for the coincidence of general with individual interest, — even where it is certain, — is too dimly seen to produce any emotion which can impel to, or restrain from, action. As a general truth, its value consists in its completing the triumph of Morality, by demonstrating the absolute impossibility of forming any theory of human nature which does not preserve the superiority of Virtue over Vice; — a great, though not directly practical advantage.

The followers of Mr. Bentham have carried to an unusual extent the prevalent fault of the more modern advocates of Utility, who have dwelt so exclusively on the outward advantages of Virtue as to have lost sight of the delight which is a part of virtuous feeling, and of the beneficial influence of good actions upon the frame of the mind. "Benevolence towards others," says Mr. Mill, "produces a return of benevolence from them." The fact is true, and ought to be stated: but how unimportant is it in comparison with that which is passed over in silence, — the pleasure of the affection itself, which, if it could become lasting and intense, would convert the heart into a heaven! No one who has ever felt kindness, if he could accurately recall his feelings, could hesitate about their infinite superiority. The cause of the general neglect of this consideration is, that it is only when a gratification is something distinct from a state of mind, that we can easily learn to consider it as a pleasure. Hence the great error respecting the affec-

tions, where the *inherent* delight is not duly estimated, on account of that very peculiarity of its being a part of a state of mind which renders it unspeakably more valuable as independent of every thing without. The social affections are the only principles of human nature which have no direct pains: to have any of these desires is to be in a state of happiness. The malevolent passions have properly no pleasures; for that attainment of their purpose which is improperly so called, consists only in healing or assuaging the torture which envy, jealousy, and malice, inflict on the malignant mind. It might with as much propriety be said that the toothache and the stone have pleasures, because their removal is followed by an agreeable feeling. These bodily disorders, indeed, are often cured by the process which removes the suffering; but the mental distempers of envy and revenge are nourished by every act of odious indulgence which for a moment suspends their pain.

The same observation is applicable to every virtuous disposition, though not so obviously as to the benevolent affections. That a brave man is, on the whole, far less exposed to danger than a coward, is not the chief advantage of a courageous temper. Great dangers are rare; but the constant absence of such painful and mortifying sensations as those of fear, and the steady consciousness of superiority to what subdues ordinary men, are a perpetual source of inward enjoyment. No man who has ever been visited by a gleam of magnanimity, can place any outward advantage of fortitude in comparison with the feeling of being always able fearlessly to defend a righteous cause.* Even humility, in spite of first appearances,

* According to Cicero's definition of fortitude, "Virtus pugnans pro æquitate." The remains of the original sense of "virtus," manhood, give a beauty and force to these expessions, which cannot be preserved in our language. The Greek "ἀρετή," and the German "tugend," originally denoted "strength," afterwards "courage," and at last "virtue." But the happy derivation of

is a remarkable example:—though it has of late been unwarrantably used to signify that painful consciousness of inferiority which is the first stage of envy.* It is a term consecrated in Christian Ethics to denote that disposition which, by inclining towards a modest estimate of our qualities, corrects the prevalent tendency of human nature to overvalue our merits and to overrate our claims. What can be a less doubtful, or a much more considerable blessing than this constant sedative, which soothes and composes the irritable passions of vanity and pride? What is more conducive to lasting peace of mind than the consciousness of proficiency in that most delicate species of equity which, in the secret tribunal of Conscience, labours to be impartial in the comparison of ourselves with others? What can so perfectly assure us of the purity of our Moral Sense, as the habit of contemplating, not that excellence which we have reached, but that which is still to be pursued †,—of not considering how far we may outrun others, but how far we are from the goal?

Virtue has often outward advantages, and always inward delights; but the last, though constant, strong, inaccessible and inviolable, are not easily considered by the common observer as apart from the form with which they are blended. They are so subtile and evanescent as to escape the distinct contemplation of all but the very few who meditate on the acts of the mind. The outward advantages, on the other hand,—cold, uncertain, dependent and precarious as they are,—yet stand out to the sense and to the memory, may be as it were handled and counted, and are perfectly on a level with the general apprehension. Hence they have become the almost exclusive theme of all

"virtus" from "vir" gives an energy to the phrase of Cicero, which illustrates the use of etymology in the hands of a skilful writer.

* Anal. Hum. Mind, vol. ii. p. 222.

† For a description of vanity, by a great orator, see the Rev. R. Hall's Sermon on Modern Infidelity.

moralists who profess to follow Reason. There is room for suspecting that a very general illusion prevails on this subject. Probably the smallest part of the pleasure of Virtue, because it is the most palpable, has become the sign and mental representative of the whole: the outward and visible sign suggests only insensibly the inward and mental delight. Those who are prone to display chiefly the external benefits of magnanimity and kindness, would speak with far less fervour, and perhaps less confidence, if their feelings were not unconsciously affected by the mental state which is overlooked in their statements. But when they speak of what is *without*, they feel what was *within*, and their words excite the same feeling in others.

Is it not probable that much of our love of praise may be thus ascribed to humane and sociable pleasure in the sympathy of others with us? Praise is the symbol which represents sympathy, and which the mind insensibly substitutes for it in recollection and in language. Does not the desire of posthumous fame, in like manner, manifest an ambition for the fellow-feeling of our race, when it is perfectly unproductive of any advantage to ourselves? In this point of view, it may be considered as the passion the very existence of which proves the mighty power of disinterested desire. Every other pleasure from sympathy is derived from contemporaries: the love of fame alone seeks the sympathy of unborn generations, and stretches the chain which binds the race of man together, to an extent to which Hope sets no bounds. There is a noble, even if unconscious union of Morality with genius in the mind of him who sympathises with the masters who lived twenty centuries before him, in order that he may learn to command the sympathies of the countless generations who are to come.

In the most familiar, as well as in the highest instances, it would seem, that the inmost thoughts and

sentiments of men are more pure than their language. Those who speak of "a regard to character," if they be serious, generally infuse into that word, unawares, a large portion of that sense in which it denotes the frame of the mind. Those who speak of "honour" very often mean a more refined and delicate sort of conscience, which ought to render the more educated classes of society alive to such smaller wrongs as the laborious and the ignorant can scarcely feel. What heart does not warm at the noble exclamation of the ancient poet: "Who is pleased by false honour, or frightened by lying infamy, but he who is false and depraved!"* Every uncorrupted mind feels unmerited praise as a bitter reproach, and regards a consciousness of demerit as a drop of poison in the cup of honour. How different is the applause which truly delights us all, a proof that the consciences of others are in harmony with our own! "What," says Cicero, "is glory but the concurring praise of the good, the unbought approbation of those who judge aright of excellent virtue!"† A far greater than Cicero rises from the purest praise of man, to more sublime contemplations.

> Fame is no plant that grows on mortal soil,
> But lives and spreads aloft, by those pure eyes
> And perfect witness of all-judging Jove.‡

Those who have most earnestly inculcated the doctrine of Utility have given another notable example of the very vulgar prejudice which treats the unseen as insignificant. Tucker is the only one of them who occasionally considers that most important effect of human conduct which consists in its action on the frame of the mind, by fitting its faculties and sensibilities for their appointed purpose. A razor or a penknife would well enough cut cloth or meat; but

* Horat. Epistol. lib. i. 16.

† Probably quoted memoriter from De Fin. lib. iv. cap. 23.—Ed.

‡ Lycidas, l. 78.

if they were often so used, they would be entirely spoiled. The same sort of observation is much more strongly applicable to habitual dispositions, which, if they be spoiled, we have no certain means of replacing or mending. Whatever act, therefore, discomposes the moral machinery of Mind, is more injurious to the welfare of the agent than most disasters from without can be: for the latter are commonly limited and temporary; the evil of the former spreads through the whole of life. Health of mind, as well as of body, is not only productive in itself of a greater sum of enjoyment than arises from other sources, but is the only condition of our frame in which we are capable of receiving pleasure from without. Hence it appears how incredibly absurd it is to prefer, on grounds of calculation, a present interest to the preservation of those mental habits on which our well-being depends. When they are most moral, they may often prevent us from obtaining advantages: but it would be as absurd to desire to lower them for that reason, as it would be to weaken the body, lest its strength should render it more liable to contagious disorders of rare occurrence.

It is, on the other hand, impossible to combine the benefit of the general habit with the advantages of occasional deviation; for every such deviation either produces remorse, or weakens the habit, and prepares the way for its gradual destruction. He who obtains a fortune by the undetected forgery of a will, may indeed be honest in his other acts; but if he had such a scorn of fraud before as he must himself allow to be generally useful, he must suffer a severe punishment from contrition; and he will be haunted with the fears of one who has lost his own security for his good conduct. In all cases, if they be well examined, his loss by the distemper of his mental frame will outweigh the profits of his vice.

By repeating the like observation on similar occasions, it will be manifest that the infirmity of recol-

lection, aggravated by the defects of language, gives an appearance of more selfishness to man than truly belongs to his nature; and that the effect of active agents upon the habitual state of mind,—one of the considerations to which the epithet "sentimental" has of late been applied in derision,—is really among the most serious and reasonable objects of Moral Philosophy. When the internal pleasures and pains which *accompany* good and bad feelings, or rather form a part of them, and the internal advantages and disadvantages which *follow* good and bad actions, are sufficiently considered, the comparative importance of *outward consequences* will be more and more narrowed; so that the Stoical philosopher may be thought almost excusable for rejecting it altogether, were it not an indispensably necessary consideration for those in whom right habits of feeling are not sufficiently strong. They alone are happy, or even truly virtuous, who have little need of it.

The later moralists who adopt the principle of Utility, have so *misplaced* it, that in their hands it has as great a tendency as any theoretical error can have, to lessen the intrinsic pleasure of Virtue, and to unfit our habitual feelings for being the most effectual inducements to good conduct. This is the natural tendency of a discipline which brings Utility too closely and frequently into contact with action. By this habit, in its best state, an essentially weaker motive is gradually substituted for others which must always be of more force. The frequent appeal to Utility as the standard of action tends to introduce an uncertainty with respect to the conduct of other men, which would render all intercourse with them insupportable. It affords also so fair a disguise for selfish and malignant passions, as often to hide their nature from him who is their prey. Some taint of these mean and evil principles will at least spread itself, and a venomous animation, not its own, will be given to the cold desire of Utility. Moralists who take an active part

in those affairs which often call out unamiable passions, ought to guard with peculiar watchfulness against such self-delusions. The sin that must most easily beset them, is that of sliding from general to particular consequences,—that of trying single actions, instead of dispositions, habits, and rules, by the standard of Utility,—that of authorising too great a latitude for discretion and policy in moral conduct,—that of readily allowing exceptions to the most important rules,—that of too lenient a censure of the use of doubtful means, when the end seems to them good,—and that of believing unphilosophically, as well as dangerously, that there can be any measure, or scheme so useful to the world as the existence of men who would not do a base thing for any public advantage. It was said of Andrew Fletcher, "that he would lose his life to *serve* his country, but would not do a base thing to *save* it." Let those preachers of Utility who suppose that such a man sacrifices *ends* to *means*, consider whether the scorn of baseness be not akin to the contempt of danger, and whether a nation composed of such men would not be invincible. But theoretical principles are counteracted by a thousand causes, which confine their mischief as well as circumscribe their benefits. Men are never so good or so bad as their opinions. All that can be with reason apprehended is, that these last may always produce some part of their natural evil, and that the mischief will be greatest among the many who seek excuses for their passions. Aristippus found in the Socratic representation of the union of virtue and happiness a pretext for sensuality; and many Epicureans became voluptuaries in spite of the example of their master,—easily dropping by degrees the limitations by which he guarded his doctrines. In proportion as a man accustoms himself to be influenced by the utility of particular acts, without regard to rules, he approaches to the casuistry of the Jesuits, and to the practical maxims of Cæsar Borgia.

Injury on this, as on other occasions, has been suffered by Ethics, from their close affinity to Jurisprudence. The true and eminent merit of Mr. Bentham is that of a reformer of Jurisprudence: he is only a moralist with a view to being a jurist; and he sometimes becomes for a few hurried moments a metaphysician with a view to laying the foundation of both the moral sciences. Both he and his followers have treated Ethics too *juridically*: they do not seem to be aware, or at least they do not bear constantly in mind, that there is an essential difference in the subjects of these two sciences.

The object of law is the prevention of actions injurious to the community: it considers the dispositions from which they flow only *indirectly*, to ascertain the likelihood of their recurrence, and thus to determine the necessity and the means of preventing them. The *direct* object of Ethics is only mental disposition: it considers actions *indirectly* as the signs by which such dispositions are manifested. If it were possible for the mere moralist to see that a moral and amiable temper was the mental source of a bad action, he could not cease to approve and love the temper, as we sometimes presume to suppose may be true of the judgments of the Searcher of Hearts. Religion necessarily coincides with Morality in this respect; and it is the peculiar distinction of Christianity that it places the seat of Virtue in the heart. Law and Ethics are necessarily so much blended, that in many intricate combinations the distinction becomes obscure: but in all strong cases the difference is evident. Thus, law punishes the most sincerely repentant; but wherever the soul of the penitent can be thought to be thoroughly purified, Religion and Morality receive him with open arms.

It is needless, after these remarks, to observe, that those whose habitual contemplation is directed to the rules of action, are likely to underrate the importance of feeling and disposition;—an error of very unfor-

tunate consequences, since the far greater part of human actions flow from these neglected sources; while the law interposes only in cases which may be called exceptions, which are now rare, and ought to be less frequent.

The coincidence of Mr. Bentham's school with the ancient Epicureans in the disregard of the pleasures of taste and of the arts dependent on imagination, is a proof both of the inevitable adherence of much of the popular sense of the words "interest" and "pleasure," to the same words in their philosophical acceptation, and of the pernicious influence of narrowing Utility to mere visible and tangible objects, to the exclusion of those which form the larger part of human enjoyment.

The mechanical philosophers who, under Descartes and Gassendi, began to reform Physics in the seventeenth century, attempted to explain all the appearances of nature by an immediate reference to the figure of particles of matter impelling each other in various directions, and with unequal force, but in all other points alike. The communication of motion by impulse they conceived to be perfectly simple and intelligible. It never occurred to them, that the movement of one ball when another is driven against it, is a fact of which no explanation can be given which will amount to more than a statement of its constant occurrence. That no body can act where it is not, appeared to them as self-evident as that the whole is equal to all the parts. By this axiom they understood that no body moves another without touching it. They did not perceive, that it was only self-evident where it means that no body can act *where it has not the power of acting;* and that if it be understood more largely, it is a mere assumption of the proposition on which their whole system rested. Sir Isaac Newton reformed Physics, not by simplifying that science, but by rendering it much more complicated. He introduced into it the force of attraction,

of which he ascertained many laws, but which even he did not dare to represent as being as intelligible, and as conceivably ultimate as impulsion itself. It was necessary for Laplace to introduce intermediate laws, and to calculate disturbing forces, before the phenomena of the heavenly bodies could be reconciled even to Newton's more complex theory. In the present state of physical and chemical knowledge, a man who should attempt to refer all the immense variety of facts to the simple impulse of the Cartesians, would have no chance of serious confutation. The number of laws augments with the progress of knowledge.

The speculations of the followers of Mr. Bentham are not unlike the unsuccessful attempt of the Cartesians. Mr. Mill, for example, derives the whole theory of Government* from the single fact, that every man pursues his interest when he knows it; which he assumes to be a sort of self-evident practical principle, — if such a phrase be not contradictory. That a man's pursuing the interest of another, or indeed any other object in nature, is just as *conceivable* as that he should pursue his own interest, is a proposition which seems never to have occurred to this acute and ingenious writer. Nothing, however, can be more certain than its truth, if the term "interest" be employed in its proper sense of general well-being, which is the only acceptation in which it can serve the purpose of his arguments. If, indeed, the term be employed to denote the gratification of a predominant desire, his proposition is self-evident, but wholly unserviceable in his argument; for it is clear that individuals and multitudes often desire what they know to be most inconsistent with their general welfare. A nation, as much as an individual, and sometimes more, may not only mistake its interest, but, perceiving it clearly, may prefer the gratification of a

* Encyc. Brit., article "Government."

strong passion to it.* The whole fabric of his political reasoning seems to be overthrown by this single observation; and instead of attempting to explain the immense variety of political facts by the simple principle of a contest of interests, we are reduced to the necessity of once more referring them to that variety of passions, habits, opinions, and prejudices, which we discover only by experience. Mr. Mill's essay on Education† affords another example of the inconvenience of leaping at once from the most general laws, to a multiplicity of minute appearances. Having assumed, or at least inferred from insufficient premises, that the intellectual and moral character is entirely formed by circumstances, he proceeds, in the latter part of the essay, as if it were a necessary consequence of that doctrine that we might easily acquire the power of combining and directing circumstances in such a manner as to produce the best possible character. Without disputing, for the present, the theoretical proposition, let us consider what would be the reasonableness of similar expectations in a more easily intelligible case. The general theory of the winds is pretty well understood; we know that they proceed from the rushing of air from those portions of the atmosphere which are more condensed, into those which are more rarefied: but how great a chasm is there between that simple law and the great variety of facts which experience exhibits! The constant winds between the tropics are large and regular enough to be in some measure capable of explanation: but who can tell why, in variable climates, the wind blows to-day from the east, to-morrow from the west? Who can foretell what its shiftings and variations are to be? Who can account for a tempest on one day, and a calm on another? Even if we could foretell

* The same mode of reasoning has been adopted by the writer of a late criticism, on Mr. Mill's Essay. See Edinburgh Review, vol xlix. p. 159.

† Encyc. Brit., article "Education."

the irregular and infinite variations, how far might we not still be from the power of combining and guiding their causes? No man but the lunatic in the story of Rasselas ever dreamt that he could command the weather. The difficulty plainly consists in the multiplicity and minuteness of the circumstances which act on the atmosphere: are those which influence the formation of the human character likely to be less minute and multiplied?

The style of Mr. Bentham underwent a more remarkable revolution than perhaps befell that of any other celebrated writer. In his early works, it was clear, free, spirited, often and seasonably eloquent: many passages of his later writings retain the inimitable stamp of genius; but he seems to have been oppressed by the vastness of his projected works,—to have thought that he had no longer more than leisure to preserve the heads of them,—to have been impelled by a fruitful mind to new plans before he had completed the old. In this state of things, he gradually ceased to use words for conveying his thoughts to others, but merely employed them as a sort of short hand to preserve his meaning for his own purpose. It was no wonder that his language should thus become obscure and repulsive. Though many of his technical terms are in themselves exact and pithy, yet the overflow of his vast nomenclature was enough to darken his whole diction.

It was at this critical period that the arrangement and translation of his manuscripts were undertaken by M. Dumont, a generous disciple, who devoted a genius formed for original and lasting works, to diffuse the principles, and promote the fame of his master. He whose pen Mirabeau did not disdain to borrow,—who, in the same school with Romilly, had studiously pursued the grace as well as the force of composition, was perfectly qualified to strip of its uncouthness a philosophy which he understood and admired. As he wrote in a general language, he

propagated its doctrines throughout Europe, where they were beneficial to Jurisprudence, but perhaps injurious to the cause of reformation in Government. That they became more popular abroad than at home, is partly to be ascribed to the taste and skill of M. Dumont; partly to that tendency towards free speculation and bold reform which was more prevalent among nations newly freed, or impatiently aspiring to freedom, than in a people such as ours, long satisfied with their government, but not yet aware of the imperfections and abuses in their laws;—to the amendment of which last a cautious consideration of Mr. Bentham's works will undoubtedly most materially contribute.

DUGALD STEWART.*

Manifold are the discouragements rising up at every step in that part of this Dissertation which extends to very recent times. No sooner does the writer escape from the angry disputes of the living, than he may feel his mind clouded by the name of a departed friend. But there are happily men whose fame is brightened by free discussion, and to whose memory an appearance of belief that they needed tender treatment would be a grosser injury than it could suffer from a respectable antagonist.

Dugald Stewart was the son of Dr. Matthew Stewart, Professor of Mathematics in the University of Edinburgh,—a station immediately before filled by Maclaurin, on the recommendation of Newton. Hence the poet† spoke of "the philosophic sire and son." He was educated at Edinburgh, and he heard the lectures of Reid at Glasgow. He was early associated with his father in the duties of the mathematical professorship; and during the absence of Dr. Adam Ferguson as secretary to the commis-

* Born 1753, died, 1828. † Burns.

sioners sent to conclude a peace with North America, he occupied the chair of Moral Philosophy. He was appointed to the professorship on the resignation of Ferguson, — not the least distinguished among the modern moralists inclined to the Stoical school.

This office, filled in immediate succession by Ferguson, Stewart, and Brown, received a lustre from their names, which it owed in no degree to its modest exterior or its limited advantages; and was rendered by them the highest dignity, in the humble, but not obscure, establishments of Scottish literature. The lectures of Mr. Stewart, for a quarter of a century, rendered it famous through every country where the light of reason was allowed to penetrate. Perhaps few men ever lived, who poured into the breasts of youth a more fervid and yet reasonable love of liberty, of truth, and of virtue. How many are still alive, in different countries, and in every rank to which education reaches, who, if they accurately examined their own minds and lives, would not ascribe much of whatever goodness and happiness they possess, to the early impressions of his gentle and persuasive eloquence! He lived to see his disciples distinguished among the lights and ornaments of the council and the senate.* He had the consolation to be sure that

* As an example of Mr. Stewart's school may be mentioned Francis Horner, a favourite pupil, and, till his last moment, an affectionate friend. The short life of this excellent person is worthy of serious contemplation, by those more especially, who, in circumstances like his, enter on the slippery path of public affairs. Without the aids of birth or fortune, in an assembly where aristocratical propensities prevail, — by his understanding, industry, pure taste, and useful information, — still more by modest independence, by steadiness and sincerity, joined to moderation, — by the stamp of unbending integrity, and by the conscientious considerateness which breathed through his well-chosen language, he raised himself, at the early age of thirty-six, to a *moral authority* which, without these qualities, no brilliancy of talents or power of reasoning could have acquired. No eminent speaker in Parliament owed so much of his success to his moral character. His

no words of his promoted the growth of an impure taste, of an exclusive prejudice, or of a malevolent passion. Without derogation from his writings, it may be said that his disciples were among his best works. He, indeed, who may justly be said to have cultivated an extent of mind which would otherwise have lain barren, and to have contributed to raise virtuous dispositions where the natural growth might have been useless or noxious, is not less a benefactor of mankind, and may *indirectly* be a larger contributor to knowledge, than the author of great works, or even the discoverer of important truths. The system of conveying scientific instruction to a large audience by lectures, from which the English universities have in a great measure departed, renders his qualities as a lecturer a most important part of his merit in a Scottish university which still adheres to the general method of European education. Probably no modern ever exceeded him in that species of eloquence which springs from sensibility to literary beauty and moral excellence,—which neither obscures science by prodigal ornament, nor disturbs the serenity of patient attention,—but though it rather calms and soothes the feelings, yet exalts the genius, and insensibly inspires a reasonable enthusiasm for whatever is good and fair.

He embraced the philosophy of Dr. Reid, a patient,

high place was therefore honourable to his audience and to his country. Regret for his death was expressed with touching unanimity from every part of a divided assembly, unused to manifestations of sensibility, abhorrent from theatrical display, and whose tribute on such an occasion derived its peculiar value from their general coldness and sluggishness. The tears of those to whom he was unknown were shed over him; and at the head of those by whom he was "praised, wept, and honoured," was one, whose commendation would have been more enhanced in the eye of Mr. Horner, by his discernment and veracity, than by the signal proof of the concurrence of all orders, as well as parties, which was afforded by the name of Howard.

modest and deep thinker*, who, in his first work (Inquiry into the Human Mind) deserves a commendation more descriptive of a philosopher than that bestowed upon him by Professor Cousin,—of having made "a vigorous protest against scepticism on behalf of common sense." Reid's observations on Suggestion, on natural signs, on the connection between what he calls "sensation" and "perception," though perhaps suggested by Berkeley (whose idealism he had once adopted), are marked by the genuine spirit of original observation. As there are too many who seem more wise than they are, so it was the more uncommon fault with Reid to appear less a philosopher than he really was. Indeed his temporary adoption of Berkeleianism is a proof of an unprejudiced and acute mind. Perhaps no man ever rose finally above the seductions of that simple and ingenious system, who had not sometimes tried their full effect by surrendering his whole mind to them.

* Those who may doubt the justice of this description will do well to weigh the words of the most competent of judges, who, though candid and even indulgent, was not prodigal of praise. "It is certainly very rare, that a piece so *deeply philosophical* is wrote with so much spirit, and affords so much entertainment to the reader. Whenever I enter into your ideas, no man appears to express himself with greater perspicuity. Your style is so correct and so good English, that I found not anything worth the remarking. I beg my compliments to my friendly adversaries Dr. Campbell and Dr. Gerard, and also to Dr. Gregory, whom I suspect to be of the same disposition, though he has not openly declared himself such."—Letter from Mr. Hume to Dr. Reid: Stewart's Biographical Memoirs, p. 417. The latter part of the above sentences (written after a perusal of Dr. Reid's Inquiry, but before its publication) sufficiently shows, that Mr. Hume felt no displeasure against Reid and Campbell, undoubtedly his most formidable antagonists, however he might resent the language of Dr. Beattie, an amiable man, an elegant and tender poet, and a good writer on miscellaneous literature in prose, but who, in his Essay on Truth (—an unfair appeal to the multitude on philosophical questions) indulged himself in the personalities and invectives of a popular pamphleteer.

But it is never with entire impunity that philosophers borrow vague and inappropriate terms from vulgar use. Never did any man afford a stronger instance of this danger than Reid, in his two most unfortunate terms, "common sense" and "instinct." Common sense is that average portion of understanding, possessed by most men, which, as it is nearly always applied to conduct, has acquired an almost exclusively practical sense. Instinct is the habitual power of producing effects like contrivances of Reason, yet so far beyond the intelligence and experience of the agent, as to be utterly inexplicable by reference to them. No man, if he had been in search of improper words, could have discovered any more unfit than these two, for denoting that *law*, or *state*, or *faculty* of Mind, which compels us to acknowledge certain simple and very abstract truths, not being identical propositions, to lie at the foundation of all reasoning, and to be the necessary ground of all belief.

Long after the death of Dr. Reid, his philosophy was taught at Paris by M. Royer Collard*, who on the restoration of free debate, became the most philosophical orator of his nation, and now† fills, with impartiality and dignity, the chair of the Chamber of Deputies. His ingenious and eloquent scholar, Professor Cousin, dissatisfied with what he calls "the sage and timid" doctrines of Edinburgh, which he considered as only a vigorous protest, on behalf of common sense, against the scepticism of Hume, sought in Germany for a philosophy of "such a masculine and brilliant character as might command the attention of Europe, and be able to struggle with success on a great theatre, against the genius of the adverse

* Fragments of his lectures have been recently published in a French translation of Dr. Reid, by M. Jonffroy: Œuvres Completes de Thomas Reid, vol. iv. Paris, 1828.

† 1831.—Ed.

school."* It may be questioned whether he found in Kant more than the same *vigorous protest*, under a more systematic form, with an immense nomenclature, and constituting a philosophical edifice of equal symmetry and vastness. The preference of the more boastful system, over a philosophy thus chiefly blamed for its modest pretensions, does not seem to be entirely justified by its permanent authority even in the country which gave it birth; where, however powerful its influence still continues to be, its doctrines do not appear to have now many supporters. Indeed, the accomplished professor himself has rapidly shot through Kantianism, and now appears to rest or to stop at the doctrines of Schelling and Hegel, at a point so high, that it is hard to descry from it any distinction between objects, — even that indispensable distinction between *reality* and *illusion*. As the works of Reid, and those of Kant, otherwise so different, appear to be simultaneous efforts of the conservative power of philosophy to expel the mortal poison of scepticism, so the exertions of M. Royer Collard and M. Cousin, however at variance in metaphysical principles, seem to have been chiefly roused by the desire of delivering Ethics from that fatal touch of personal, and, indeed, gross interest, which the science had received in France at the hands of the followers of Condillac, — especially Helvetius, St. Lambert, and Cabanis. The success of these attempts to render speculative philosophy once more popular in the country of Descartes, has already been considerable. The French youth, whose desire of knowledge, and love of liberty afford an auspicious promise of the succeeding age, have eagerly received doctrines, of which the moral part is so much more agreeable to their liberal spirit, than is the Selfish theory, generated in the stagnation of a corrupt, cruel, and dissolute tyranny.

* Cours de Philosophie, par M. Cousin, leçon xii. Paris, 1828.

These agreeable prospects bring us easily back to our subject; for though the restoration of speculative philosophy in the country of Descartes is due to the precise statement and vigorous logic of M. Royer Collard, the modifications introduced by him into the doctrine of Reid coincide with those of Mr. Stewart, and would have appeared to agree more exactly, if the forms of the French philosopher had not been more dialectical, and the composition of Mr. Stewart had retained less of that oratorical character, which belonged to a justly celebrated speaker. Amidst excellencies of the highest order, the writings of the latter, it must be confessed, leave some room for criticism. He took precautions against offence to the feelings of his contemporaries, more anxiously and frequently than the impatient searcher for truth may deem necessary. For the sake of promoting the favourable reception of philosophy itself, he studies, perhaps too visibly, to avoid whatever might raise up prejudices against it. His gratitude and native modesty dictated a superabundant care in softening and excusing his dissent from those who had been his own instructors, or who were the objects of general reverence. Exposed by his station, both to the assaults of political prejudice, and to the religious animosities of a country where a few sceptics attacked the slumbering zeal of a Calvinistic people, it would have been wonderful if he had not betrayed more weariness than would have been necessary or becoming in a very different position. The fulness of his literature seduced him too much into multiplied illustrations. Too many of the expedients happily used to allure the young may unnecessarily swell his volumes. Perhaps a successive publication in separate parts made him more voluminous than he would have been if the whole had been at once before his eyes. A peculiar susceptibility and delicacy of taste produced forms of expression, in themselves extremely beautiful, but of which the habitual use is not easily reconcilable with

the condensation desirable in works necessarily so extensive. If, however, it must be owned that the caution incident to his temper, his feelings, his philosophy, and his station, has somewhat lengthened his composition, it is not less true, that some of the same circumstances have contributed towards those peculiar beauties which place him at the head of the most adorned writers on philosophy in our language.

Few writers rise with more grace from a plain groundwork, to the passages which require greater animation or embellishment. He gives to narrative, according to the precept of Bacon, the colour of the time, by a selection of happy expressions from original writers. Among the secret arts by which he diffuses elegance over his diction, may be remarked the skill which, by deepening or brightening a shade in a secondary term, and by opening partial or preparatory glimpses of a thought to be afterwards unfolded, unobservedly heightens the import of a word, and gives it a new meaning, without any offence against old use. It is in this manner that philosophical originality may be reconciled to purity and stability of speech, and that we may avoid new terms, which are the easy resource of the unskilful or the indolent, and often a characteristic mark of writers who love their language too little to feel its peculiar excellencies, or to study the art of calling forth its powers.

He reminds us not unfrequently of the character given by Cicero to one of his contemporaries, "who expressed refined and abstruse thought in soft and transparent diction." His writings are a proof that the mild sentiments have their eloquence as well as the vehement passions. It would be difficult to name works in which so much refined philosophy is joined with so fine a fancy, — so much elegant literature, with such a delicate perception of the distinguishing excellencies of great writers, and with an estimate in general so just of the services rendered to Knowledge

by a succession of philosophers. They are pervaded by a philosophical benevolence, which keeps up the ardour of his genius, without disturbing the serenity of his mind, —which is felt equally in the generosity of his praise, and in the tenderness of his censure. It is still more sensible in the general tone with which he relates the successful progress of the human understanding, among many formidable enemies. Those readers are not to be envied who limit their admiration to particular parts, or to excellencies merely literary, without being warmed by the glow of that honest triumph in the advancement of Knowledge, and of that assured faith in the final prevalence of Truth and Justice, which breathe through every page of them, and give the unity and dignity of a moral purpose to the whole of these classical works.

In quoting poetical passages, some of which throw much light on our mental operations, if he sometimes prized the moral common-places of Thomson and the speculative fancy of Akenside more highly than the higher poetry of their betters, it was not to be wondered at that the metaphysician and the moralist should sometimes prevail over the lover of poetry. His natural sensibility was perhaps occasionally cramped by the cold criticism of an unpoetical age; and some of his remarks may be thought to indicate a more constant and exclusive regard to diction than is agreeable to a generation which has been trained by tremendous events to a passion for daring inventions, and to an irregular enthusiasm, impatient of minute elegancies and refinements. Many of those beauties which his generous criticism delighted to magnify in the works of his contemporaries, have already faded under the scorching rays of a fiercer sun.

Mr. Stewart employed more skill in contriving, and more care in concealing his very important reforms of Reid's doctrines, than others exert to maintain their claims to originality. Had his well-chosen language of "laws of human thought or belief" been at first

adopted in that school, instead of "instinct" and "common sense," it would have escaped much of the reproach (which Dr. Reid himself did not merit) of shallowness and popularity. Expressions so exact, employed in the opening, could not have failed to influence the whole system, and to have given it, not only in the general estimation, but in the minds of its framers, a more scientific complexion. In those parts of Mr. Stewart's speculations in which he farthest departed from his general principles, he seems sometimes, as it were, to be suddenly driven back by what he unconsciously shrinks from as ungrateful apostacy, and to be desirous of making amends to his master, by more harshness, than is otherwise natural to him, towards the writers whom he has insensibly approached. Hence perhaps the unwonted severity of his language towards Tucker and Hartley. It is thus at the very time when he largely adopts the principle of Association in his excellent Essay on the Beautiful*, that he treats most rigidly the latter of these writers, to whom, though neither the discoverer nor the sole advocate of that principle, it surely owes the greatest illustration and support.

In matters of far other importance, causes perhaps somewhat similar may have led to the like mistake. When he absolutely contradicts Dr. Reid, by truly stating that "it is more philosophical to resolve the power of habit into the association of ideas, than to resolve the association of ideas into habit,"† he, in the sequel of the same volume‡, refuses to go farther than to own, that "the theory of Hartley concerning

* Philosophical Essays, part ii. essay i., especially chap. vi. The condensation, if not omission of the discussion of the theories of Buffier, Reynolds, Burke, and Price, in this essay, would have lessened that temporary appearance which is unsuitable to a scientific work.

† Elements of the Philosophy of the Human Mind (1792, 4to.), vol. i. p. 281.

‡ Ibid. p. 383.

the origin of our affections, and of the Moral Sense, is a most *ingenious refinement on the Selfish system*, and that by means of it the force of many of the common reasonings against that system is *eluded*;" though he somewhat inconsistently allows, that "active principles which, arising from circumstances in which all the situations of mankind must agree, are therefore common to the whole species, at whatever period of life they may appear, are to be regarded as a part of human nature, no less than the instinct of suction, in the same manner as the acquired perception of distance, by the eye, is to be ranked among the perceptive powers of man, no less than the original perceptions of the other senses."* In another place also he makes a remark on mere beauty, which might have led him to a more just conclusion respecting the theory of the origin of the affections and the Moral Sense: "It is scarcely necessary for me to observe, that, in those instances where association operates in heightening" (or he might have said creates) "the pleasure we receive from sight, the pleasing emotion continues still to appear, to our consciousness, simple and uncompounded."† To this remark he might have added, that until all the separate pleasures be melted into one, —as long as any of them are discerned and felt as distinct from each other,—the associations are incomplete, and the qualities which gratify are not called by the name of "beauty." In like manner, as has been repeatedly observed, it is only when all the separate feelings, pleasurable and painful, excited by the contemplation of voluntary action, are lost in the general sentiments of approbation or disapprobation,—when these general feelings retain no trace of the various emotions which originally attended different actions, —when they are held in a state of perfect fusion by the habitual use of the words used in every language

* Elements of the Philosophy of the Human Mind (1792, 4to.), vol. i. p. 385.

† Philosophical Essays, part ii. essay i. chap. xi.

to denote them, that Conscience can be said to exist, or that we can be considered as endowed with a moral nature. The theory which thus ascribes the uniform formation of the Moral Faculty to universal and paramount laws, is not a refinement of the Selfish system, nor is it any modification of that hypothesis. The partisans of Selfishness maintain, that in acts of Will the agent must have a view to the pleasure or happiness which he hopes to reap from it: the philosophers who regard the social affections and the Moral Sentiments as formed by a process of association, on the other hand, contend that these affections and sentiments must work themselves clear from every particle of *self-regard*, before they deserve the names of benevolence and of Conscience. In the actual state of human motives the two systems are not to be likened, but to be contrasted to each other. It is remarkable that Mr. Stewart, who admits the "question respecting the *origin* of the affections to be rather curious than important,"* should have held a directly contrary opinion respecting the Moral Sense†, to which these words, in his sense of them, seem to be equally applicable. His meaning in the former affirmation is, that if the affections be *acquired*, yet they are justly called *natural;* and if their *origin* be personal, yet their nature may and does *become* disinterested. What circumstance distinguishes the former from the latter case? With respect to the origin of the affections, it must not be overlooked that his language is somewhat contradictory. For if the theory on that subject from which he dissents were merely "a refinement on the Selfish system," its truth or falsehood could not be represented as subordinate; since the controversy would continue to relate to the existence of disinterested motives of human conduct.‡ It may also be observed,

* Outlines of Moral Philosophy, p. 93.

† Outlines, p. 117. "This is the most important question that can be stated with respect to the theory of Morals."

‡ In the Philosophy of the Active and Moral Powers of Man

that he uniformly represents his opponents as deriving the affections from "self-love," which, in its proper sense, is not the source to which they refer even avarice, and which is itself derived from other antecedent principles, some of which are inherent, and some acquired. If the object of this theory of the rise of the most important feelings of human nature were, as our philosopher supposes, "to *elude* objections against the Selfish system," it would be at best worthless. Its positive merits are several. It affirms the actual disinterestedness of human motives, as strongly as Butler himself. The explanation of the mental law, by which benevolence and Conscience are formed habitually, when it is contemplated deeply, impresses on the mind the truth that they not only *are* but *must be* disinterested. It confirms, as it were, the testimony of consciousness, by exhibiting to the Understanding the means employed to insure the production of disinterestedness. It affords the only effectual answer to the prejudice against the disinterested theory, from the multiplication of ultimate facts and implanted principles, which, under all its other forms, it seems to require. No room is left for this prejudice by a representation of disinterestedness, which *ultimately* traces its formation to principles almost as simple as those of Hobbes himself. Lastly, every step in just generalisation is an advance in philosophy. No one has yet shown, either that Man is not actually disinterested, or that he may not have been destined to become so by such a process as has been described: the cause to which the effects are ascribed is a real agent, which seems adequate to the appearance; and if future observation should be found to require that the theory

(vol. i. p. 164.), Mr. Stewart has done more manifest injustice to the Hartleian theory, by calling it "a doctrine *fundamentally the same with the Selfish system*," and especially by representing Hartley, who ought to be rather classed with Butler and Hume, as agreeing with Gay, Tucker, and Paley.

shall be confined within narrower limits, such a limitation will not destroy its value.

The acquiescence of Mr. Stewart in Dr. Reid's general representation of our mental constitution, led him to indulge more freely the natural bent of his understanding, by applying it to theories of character and manners, of life and literature, of taste and the arts, rather than to the consideration of those more simple principles which rule over human nature under every form. His chief work, as he frankly owns, is indeed rather a collection of such theories, pointing toward the common end of throwing light on the structure and functions of the mind, than a systematic treatise, such as might be expected from the title of "Elements." It is in essays of this kind that he has most surpassed other cultivators of mental philosophy. His remarks on the effects of casual associations may be quoted as a specimen of the most original and just thoughts, conveyed in the best manner.* In this beautiful passage, he proceeds from their power of confusing speculation to that of disturbing experience and of misleading practice, and ends with their extraordinary effect in bestowing on trivial, and even ludicrous circumstances, some portion of the dignity and sanctity of those sublime principles with which they are associated. The style, at first only clear, afterwards admitting the ornaments of a calm and grave elegance, and at last rising to as high a strain as Philosophy will endure, (all the parts, various as their nature is, being held together by an invisible thread of gentle transition,) affords a specimen of adaptation of manner to matter which it will be hard to match in any other philosophical writing. Another very fine remark, which seems to be as original as it is just, may be quoted as a sample of those beauties with which his writings abound. "The apparent coldness and selfishness of mankind may be traced in

* Elem. Philos. Hum. Mind, vol. i. pp. 340—352.

a great measure, to a want of attention and a want of imagination. In the case of those misfortunes which happen to ourselves or our near connections, neither of these powers is necessary to make us acquainted with our situation. But without an uncommon degree of both, it is impossible for any man to comprehend completely the situation of his neighbour, or to have an idea of the greater part of the distress which exists in the world. If we feel more for ourselves than for others, in the former case the facts are more fully before us than they can be in the latter."* Yet several parts of his writings afford the most satisfactory proof, that his abstinence from what is commonly called metaphysical speculation, arose from no inability to pursue it with signal success. As examples, his observations on "general terms," and on "causation," may be appealed to with perfect confidence. In the first two dissertations of the volume bearing the title "Philosophical Essays," he with equal boldness and acuteness grapples with the most extensive and abstruse questions of mental philosophy, and points out both the sources and the uttermost boundaries of human knowledge with a Verulamean hand. In another part of his writings, he calls what are usually denominated first principles of experience, "fundamental laws of human belief, or primary elements of human reason;"† which last form of expression has so close a resemblance to the language of Kant, that it should have protected the latter from the imputation of writing jargon.

The excellent volume entitled "Outlines of Moral Philosophy," though composed only as a text-book for the use of his hearers, is one of the most decisive proofs that he was perfectly qualified to unite precision with ease, to be brief with the utmost clearness, and to write with becoming elegance in a style where

* Elem. Philos. Hum. Mind, vol. i. p. 502.
† Ibid. vol. ii. p. 57.

the meaning is not overladen by ornaments. This volume contains his properly ethical theory*, which is much expanded, but not substantially altered, in his Philosophy of the Active and Moral Powers, — a work almost posthumous, and composed under circumstances which give it a deeper interest than can be inspired by any desert in science. Though, with his usual modesty, he manifests an anxiety to fasten his ethical theory to the kindred speculations of other philosophers of the "Intellectual school," especially to those of Cudworth,—recently clothed in more modern phraseology by Price,—yet he still shows that independence and originality which all his aversion from parade could not entirely conceal. "Right," "duty," "virtue," "moral obligation," and the like or the opposite forms of expression, represent, according to him, certain thoughts, which arise necessarily and instantaneously in the mind, (or in the Reason, if we take that word in the large sense in which it denotes all that is not emotive) at the contemplation of actions, and which are utterly incapable of all resolution, and consequently of all explanation, and which can be known only by being experienced. These "thoughts" or "ideas," by whatever name they may be called, are followed, — as inexplicably as inevitably, — by pleasurable and painful emotions, which suggest the conception of *moral beauty;* — a quality of human actions distinct from their *adherence to, or deviation from rectitude*, though generally coinciding with it. The question which a reflecting reader will here put is, whether any purpose is served by the introduction of the intermediate mental process between the particular thoughts and the moral emotions? How would the view be darkened or confused, or indeed in any degree changed, by withdrawing that process, or erasing the words which attempt to express it? No advocate of the intellectual origin of the Moral Faculty

* Elem. Philos. Hum. Mind, pp. 76—148.

has yet stated a case in which a mere operation of Reason or Judgment, unattended by Emotion, could, consistently with the universal opinion of mankind, as it is exhibited by the structure of language, be said to have the nature or to produce the effects of Conscience. Such an example would be equivalent to an *experimentum crucis* on the side of that celebrated theory. The failure to produce it, after long challenge, is at least a presumption against it, nearly approaching to that sort of decisively discriminative experiment. It would be vain to restate what has already been too often repeated, that all the objections to the Selfish philosophy turn upon the actual nature, not upon the original source, of our principles of action, and that it is by a confusion of these very distinct questions alone that the confutation of Hobbes can be made apparently to involve Hartley. Mr. Stewart appears, like most other metaphysicians, to have blended the inquiry into the nature of our Moral Sentiments with that other which only seeks a criterion to distinguish moral from immoral habits of feeling and action; for he considers the appearance of the Moral Sentiments at an early age, before the general tendency of actions can be ascertained, as a decisive objection to the origin of these sentiments in Association, — an objection which assumes that, if utility be the criterion of Morality, associations with utility must be the mode by which the Moral Sentiments are formed: but this no skilful advocate of the theory of Association will ever allow. That the main, if not sole object of Conscience is to govern our voluntary exertions, is manifest: but how could it perform this great function if it did not impel the Will? and how could it have the latter effect as a mere act of Reason, or, indeed, in any respect otherwise than as it is made up of emotions? Judgment and Reason are therefore preparatory to Conscience, — not properly a part of it. The assertion that the exclusion of Reason reduces Virtue to be a relative quality, is another

instance of the confusion of the two questions in moral theory: for though a fitness to excite approbation may be only a relation of objects to our susceptibility, yet the proposition that all virtuous actions are beneficial, is a proposition as absolute as any other within the range of our understanding.

A delicate state of health, and an ardent desire to devote himself exclusively to study and composition, induced Mr. Stewart, while in the full blaze of his reputation as a lecturer, to retire, in 1810, from the labour of public instruction. This retirement, as he himself describes it, was that of a quiet but active life. Three quarto and two octavo volumes, besides the magnificent Dissertation prefixed to the Encyclopædia Britannica, were among its happy fruits. This Dissertation is, perhaps, the most profusely ornamented of any of his compositions; — a peculiarity which must in part have arisen from a principle of taste, which regarded decoration as more suitable to the history of philosophy than to philosophy itself. But the memorable instances of Cicero, of Milton, and still more those of Dryden and Burke, seem to show that there is some natural tendency in the fire of genius to burn more brightly, or to blaze more fiercely, in the evening than in the morning of human life. Probably the materials which long experience supplies to the imagination, the boldness with which a more established reputation arms the mind, and the silence of the low but formidable rivals of the higher principles, may concur in producing this unexpected and little observed effect.

It was in the last years of his life, when suffering under the effects of a severe attack of palsy, with which he had been afflicted in 1822, that Mr. Stewart most plentifully reaped the fruits of long virtue and a well-ordered mind. Happily for him, his own cultivation and exercise of every kindly affection had laid up a store of that domestic consolation which none who deserve it ever want, and for the loss of which,

nothing beyond the threshold can make amends. The same philosophy which he had cultivated from his youth upward employed his dying hand; aspirations after higher and brighter scenes of excellence, always blended with his elevated morality, became more earnest and deeper as worldly passions died away, and earthly objects vanished from his sight.

THOMAS BROWN.*

A writer, as he advances in life, ought to speak with diffidence of systems which he has only begun to consider with care after the age in which it becomes hard for his thoughts to flow into new channels. A reader cannot be said practically to understand a theory, till he has acquired the power of thinking, at least for a short time, with the theorist. Even a hearer, with all the helps of voice in the instructor, and of countenance from him and from fellow-hearers, finds it difficult to perform this necessary process, without either being betrayed into hasty and undistinguishing assent, or falling, while he is in pursuit of an impartial estimate of opinions, into an indifference about their truth. I have felt this difficulty in reconsidering old opinions: but it is perhaps more needful to own its power, and to warn the reader against its effects, in the case of a philosopher well known to me, and with whom common friendships stood in the stead of much personal intercourse, as a cement of kindness. I very early read Brown's Observations on the Zoonomia of Dr. Darwin, — the perhaps unmatched work of a boy in the eighteenth year of his age.† His first tract on Causation appeared to me

* Born, 1778; died, 1820.

† Welsh's Life of Brown, p. 43.; — a pleasingly affectionate work, full of analytical spirit and metaphysical reading, — of such merit, in short, that I could wish to have found in it no phrenology. Objections *a priori* in a case dependent on facts are, indeed,

to be the finest model of discussion in mental philosophy since Berkeley and Hume, — with this superiority over the latter, that its aim is that of a philosopher who seeks to enlarge knowledge, — not that of a sceptic, who — even the most illustrious — has no better end than that of displaying his powers in confounding and darkening truth, — and the happiest efforts of whose scepticism cannot be more leniently described than as brilliant fits of mental debauchery.* From a diligent perusal of his succeeding works at the time of their publication, I was prevented by pursuits and duties of a very different nature. These causes, together with ill health and growing occupation, hindered me from reading his Lectures with due attention, till it has now become a duty to consider with care that part of them which relates to Ethics.

Dr. Brown was born of one of those families of ministers in the Scottish Church, who, after a generation or two of a humble life spent in piety and usefulness, with no more than needful knowledge, have more than once sent forth a man of genius from their cool and quiet shade, to make his fellows wiser or better by tongue or pen, by head or hand. Even the scanty endowments and constant residence of that Church,

inadmissible : even the allowance of presumptions of that nature would open so wide a door for prejudices, that at most, they can be considered only as maxims of logical prudence, which fortify the watchfulness of the individual. The fatal objection to phrenology seems to me to be, that what is new in it, or peculiar to it, has no approach to an adequate foundation in experience.

* "Bayle, a writer who, pervading human nature at his ease, struck into the province of paradox, as an exercise for the unwearied vigour of his mind ; who with a soul superior to the sharpest attacks of fortune, and a heart practised to the best philosophy, had not enough of real greatness to overcome that last foible of superior minds, the temptation of honour, which the academic exercise of wit is conceived to bring to its professor." So says Warburton (Divine Legation, book i. sect. 4.), speaking of Bayle, but perhaps in part excusing himself, in a noble strain, of which it would have been more agreeable to find the repetition than the contrast in his language towards Hume.

by keeping her ministers far from the objects which awaken turbulent passions and disperse the understanding on many pursuits, affords some of the leisure and calm of monastic life, without the exclusion of the charities of family and kindred. It may be well doubted whether this undissipated retirement, which during the eighteenth century was very general in Scotland, did not make full amends for the loss of curious and ornamental knowledge, by its tendency to qualify men for professional duty; with its opportunities for the cultivation of the reason for the many, and for high meditation, and concentration of thought on worthy objects for the few who have capacity for such exertions.* An authentic account of the early exercises of Brown's mind is preserved by his biographer†, from which it appears that at the age of nineteen he took a part with others (some of whom became the most memorable men of their time), in the foundation of a private society in Edinburgh, under the name of "the Academy of Physics."‡

* See Sir H. Moncreiff's Life of the Reverend Dr. Erskine.

† Welsh's Life of Brown, p. 77., and App. p. 498.

‡ A part of the first day's minutes is here borrowed from Mr. Welsh:—"7th January 1797. — Present, Mr. Erskine, President, — Mr. Brougham, Mr. Reddie, Mr. Brown, Mr. Birbeck, Mr. Leyden," &c. who were afterwards joined by Lord Webb Seymour, Messrs. Horner, Jeffrey, Sydney Smith, &c. Mr. Erskine, who thus appears at the head of so remarkable an association, and whom diffidence and untoward circumstances have hitherto withheld from the full manifestation of his powers, continued to be the bosom friend of Brown to the last. He has shown the constancy of his friendship for others by converting all his invaluable preparations for a translation of Sultan Baber's Commentaries (perhaps the best, certainly the most European work of modern Eastern prose) into the means of completing the imperfect attempt of Leyden, with a regard equally generous to the fame of his early friend, and to the comfort of that friend's surviving relations. The review of Baber's Commentaries, by M. Silvestre de Sacy, in the Journal des Savans for May and June 1829, is perhaps one of the best specimens extant of the value of literary commendation when it is bestowed with conscientious calmness, and without

The character of Dr. Brown is very attractive, as an example of one in whom the utmost tenderness of affection, and the indulgence of a flowery fancy, were not repressed by the highest cultivation, and by a perhaps excessive refinement of intellect. His mind soared and roamed through every region of philosophy and poetry; but his untravelled heart clung to the hearth of his father, to the children who shared it with him, and after them, first to the other partners of his childish sports, and then almost solely to those companions of his youthful studies who continued to be the friends of his life. Speculation seemed to keep his kindness at home. It is observable, that though sparkling with fancy, he does not seem to have been deeply or durably touched by those affections which are lighted at its torch, or at least tinged with its colours. His heart sought little abroad, but contentedly dwelt in his family and in his study. He was one of those men of genius who repaid the tender care of a mother by rocking the cradle of her reposing age. He ended a life spent in searching for truth, and exercising love, by desiring that he should be buried in his native parish, with his "dear father and mother." Some of his delightful qualities were perhaps hidden from the casual observer in general society, by the want of that perfect simplicity of manner which is doubtless their natural representative. Manner is a better mark of the state of a mind, than those large and deliberate actions which form what is called conduct; it is the constant and insensible transpiration of character. In serious acts a man may display himself; in the thousand nameless acts which compose manner, the mind betrays its habitual bent. But manner is then only an index of

a suspicion of bias, by one of the greatest orientalists, in a case where he pronounces every thing to have been done by Mr. Erskine "which could have been performed by the most learned and the most scrupulously conscientious of editors and translators."

disposition, when it is that of men who live at ease in the intimate familiarity of friends and equals. It may be diverted from simplicity by causes which do not reach so deep as the character; — by bad models, or by a restless and wearisome anxiety to shine, arising from many circumstances, — none of which are probably more common than the unseasonable exertions of a recluse student in society, and the unfortunate attempts of some others, to take by violence the admiration of those with whom they do not associate with ease. The association with unlike or superior companions which least distorts manners, is that which takes place with those classes whose secure dignity generally renders their own manners easy, — with whom the art of pleasing or of not displeasing each other in society is a serious concern, — who have leisure enough to discover the positive and negative parts of the smaller moralities, and who, being trained to a watchful eye on what is ludicrous, apply the lash of ridicule to affectation, the most ridiculous of faults. The busy in every department of life are too respectably occupied to form these manners: they are the frivolous work of polished idleness; and perhaps their most serious value consists in the war which they wage against affectation, — though even there they betray their origin in punishing it, not as a deviation from nature, but as a badge of vulgarity.

The prose of Dr. Brown is brilliant to excess: it must not be denied that its beauty is sometimes womanly, — that it too often melts down precision into elegance, — that it buries the main idea under a load of illustration, of which every part is expanded and adorned with such visible labour, as to withdraw the mind from attention to the thoughts which it professes to introduce more easily into the understanding. It is darkened by excessive brightness; it loses ease and liveliness by over-dress; and, in the midst of its luscious sweetness, we wish for the striking and homely illustrations of Tucker, and for the pithy and

sinewy sense of Paley; — either of whom, by a single short metaphor from a familiar, perhaps a low object, could at one blow set the two worlds of Reason and Fancy in movement.

It would be unjust to censure severely the declamatory parts of his Lectures: they are excusable in the first warmth of composition; they might even be justifiable allurements in attracting young hearers to abstruse speculations. Had he lived, he would probably have taken his thoughts out of the declamatory forms of spoken address, and given to them the appearance, as well as the reality, of deep and subtile discussion. The habits, indeed, of so successful a lecturer, and the natural luxuriance of his mind, could not fail to have somewhat affected all his compositions; but though he might still have fallen short of simplicity, he certainly would have avoided much of the diffusion, and even common-place, which hang heavily on original and brilliant thoughts: for it must be owned, that though, as a thinker, he is unusually original, yet when he falls among the declaimers, he is infected by their common-places. In like manner, he would assuredly have shortened, or left out, many of the poetical quotations which he loved to recite, and which hearers even beyond youth hear with delight. There are two very different sorts of passages of poetry to be found in works on philosophy, which are as far asunder from each other in value as in matter. A philosopher will admit some of those wonderful lines or words which bring to light the infinite varieties of character, the furious bursts or wily workings of passion, the winding approaches of temptation, the slippery path to depravity, the beauty of tenderness, and the grandeur of what is awful and holy in Man. In every such quotation, the moral philosopher, if he be successful, uses the best materials of his science; for what are they but the results of experiment and observation on the human heart, performed by artists of far other skill and power than

his? They are facts which could have only been ascertained by Homer, by Dante, by Shakspeare, by Cervantes, by Milton. Every year of admiration since the unknown period when the Iliad first gave delight, has extorted new proofs of the justness of the picture of human nature, from the responding hearts of the admirers. Every strong feeling which these masters have excited, is a successful repetition of their original experiment, and a continually growing evidence of the greatness of their discoveries. Quotations of this nature may be the most satisfactory, as well as the most delightful, proofs of philosophical positions. Others of inferior merit are not to be interdicted: a pointed maxim, especially when familiar, pleases, and is recollected. I cannot entirely conquer my passion for the Roman and Stoical declamation of some passages in Lucan and Akenside: but quotations from those who have written on philosophy in verse, or, in other words, from those who generally are inferior philosophers, and voluntarily deliver their doctrines in the most disadvantageous form, seem to be unreasonable. It is agreeable, no doubt, to the philosopher, and still more to the youthful student, to meet his abstruse ideas clothed in the sonorous verse of Akenside; the surprise of the unexpected union of verse with science is a very lawful enjoyment: but such slight and momentary pleasures, though they may tempt the writer to display them, do not excuse a vain effort to obtrude them on the sympathy of the searcher after truth in after-times. It is peculiarly unlucky that Dr. Brown should have sought supposed ornament from the moral common-places of Thomson, rather than from that illustration of philosophy which is really to be found in his picturesque strokes.

Much more need not be said of Dr. Brown's own poetry,—somewhat voluminous as it is,—than that it indicates fancy and feeling, and rises at least to the rank of an elegant accomplishment. It may seem a paradox, but it appears to me that he is really most

poetical in those poems and passages which have the *most properly metaphysical* character. For every varied form of life and nature, when it is habitually contemplated, may inspire feeling; and the just representation of these feelings may be poetical. Dr. Brown observed Man, and his wider world, with the eye of a metaphysician; and the dark results of such contemplations, when he reviewed them, often filled his soul with feelings which, being both grand and melancholy, were truly poetical. Unfortunately, however, few readers can be touched with fellow-feelings. He sings to few, and must be content with sometimes moving a string in the soul of the lonely visionary, who, in the day-dreams of youth, has felt as well as meditated on the mysteries of nature. His heart has produced charming passages in all his poems; but, generally speaking, they are only beautiful works of art and imitation. The choice of Akenside as a favourite and a model may, without derogation from the writer, be considered as no proof of a poetically formed mind.* There is more poetry in many single lines of Cowper than in volumes of sonorous verses such as Akenside's. Philosophical poetry is very different from versified philosophy: the former is the highest exertion of genius; the latter cannot be ranked above the slighter amusements of ingenuity. Dr. Brown's poetry was, it must be owned, composed either of imitations, which, with some exceptions, may be produced and read without feeling, or of effusions of such feelings only as meet a rare and faint echo in the human breast.

A few words only can here be bestowed on the intellectual part of his philosophy. It is an open

* His accomplished friend Mr. Erskine confesses that Brown's poems "are not written in the language of plain and gross emotion. The string touched is too delicate for general sympathy. They are in an unknown tongue to one-half" (he might have said nineteen twentieths) "of the reading part of the community."—Welsh's Life of Brown, p. 431.

revolt against the authority of Reid; and by a curious concurrence, he began to lecture nearly at the moment when the doctrines of that philosopher came to be taught with applause in France. Mr. Stewart had dissented from the language of Reid, and had widely departed from his opinions on several secondary theories: Dr. Brown rejected them entirely. He very justly considered the claim of Reid to the merit of detecting the universal delusion which had betrayed philosophers into the belief that ideas which were the sole objects of knowledge had a separate existence, as a proof of his having mistaken their illustrative language for a metaphysical opinion*; but he does not do justice to the service which Reid really rendered to mental science, by keeping the attention of all future speculators in a state of more constant watchfulness against the transient influence of such an illusion. His choice of the term "feeling"†, to denote the operations which we usually refer to the Understanding, is evidently too wide a departure from its ordinary use, to have any probability of general adoption. No definition can strip so familiar a word of the thoughts and emotions which have so long accompanied it, so as to fit it for a technical term of the highest abstraction. If we can be said to have a feeling "of the equality of the angle of forty-five to half the angle of ninety degrees,"‡ we may call Geometry and Arithmetic sciences of "feeling." He has very forcibly stated the necessity of assuming "*the primary universal intuitions of direct belief*," which, in their nature, are incapable of all proof. They seem to be accurately described as notions which cannot be conceived separately, but without which nothing can be conceived. They are not only necessary to reasoning and to belief, but to thought itself. It is equally impossible to prove or

* Brown's Lectures, vol. ii. pp. 1—49. † Ibid. vol. i. p. 220.
‡ Ibid. vol. i. p. 222.

to disprove them. He has very justly blamed the school of Reid for "an extravagant and ridiculous" multiplication of those principles which he truly represents as inconsistent with sound philosophy. To philosophise is indeed nothing more than to simplify securely.*

The substitution of "suggestion" for the former phrase of "association of ideas," would hardly deserve notice in so cursory a view, if it had not led him to a serious misconception of the doctrines and deserts of other philosophers. The fault of the latter phrase is rather in the narrowness of the last than in the inadequacy of the first word. "Association" presents the fact in the light of a *relation* between two mental acts: "suggestion" denotes rather the *power* of the one to call up the other. But whether we say that the sight of ashes "suggests" fire, or that the ideas of fire and ashes are "associated," we mean to convey the same fact, and in both cases, an exact thinker means to accompany the fact with no hypothesis. Dr. Brown has supposed the word "association" as intended to affirm that there is some "intermediate process" † between the original succession of the mental acts and the power which they acquired therefrom of calling up each other. This is quite as much to raise up imaginary antagonists for the honour of conquering them, as he justly reprehends Dr. Reid for doing in the treatment of preceding philosophers. He falls into another more important and unaccountable error, in representing his own reduction of Mr. Hume's principles

* Dr. Brown always expresses himself best where he is short and familiar. "An hypothesis is nothing more than a reason for making one experiment or observation rather than another."—Lectures, vol. i. p. 170. In 1812, as the present writer observed to him that Reid and Hume differed more in words than in opinion, he answered, "Yes, Reid bawled out, we must believe an outward world, but added in a whisper, we can give no reason for our belief: Hume cries out, we can give no reason for such a notion, and whispers, I own we cannot get rid of it."

† Ibid. vol. ii. pp. 335—347.

of association (—resemblance, contrariety, causation, contiguity in time or place) to the one principle of contiguity, as a discovery of his own, by which his theory is distinguished from "the universal opinion of philosophers."* Nothing but too exclusive a consideration of the doctrines of the Scottish school could have led him to speak thus of what was hinted by Aristotle, distinctly laid down by Hobbes, and fully unfolded both by Hartley and Condillac. He has, however, extremely enlarged the proof and the illustration of this law of mind, by the exercise of "a more subtile analysis" and the disclosure of "a finer species of proximity."† As he has thus aided and confirmed, though he did not discover, the general law, so he has rendered a new and very important service to mental science, by drawing attention to what he properly calls "secondary laws of Suggestion"‡ or Association, which modify the action of the general law, and must be distinctly considered, in order to explain its connection with the phenomena. The enumeration and exposition are instructive, and the example is worthy of commendation. For it is in this lower region of the science that most remains to be discovered; it is that which rests most on observation, and least tempts to controversy: it is by improvements in this part of our knowledge that the foundations are secured, and the whole building so repaired as to rest steadily on them. The distinction of common language between the head and the heart, which, as we have seen, is so often overlooked or misapplied by metaphysicians, is, in the system of Brown, signified by the terms "mental states" and "emotions." It is unlucky that no single word could be found for the former, and that the addition of the generic term "feeling" should disturb its easy comprehension, when it is applied more naturally.

* Lectures, vol. ii. p. 349. † Ibid. vol. ii. p. 218.
‡ Ibid. vol. ii. p. 270.

In our more proper province Brown followed Butler who appears to have been chiefly known to him through the writings of Mr. Stewart, in his theory of the social affections. Their disinterestedness is endowed by the arguments of both these philosophers, as well as by those of Hutcheson.* It is observable, however, that Brown applies the principle of Suggestion or Association solely to this part of human nature, and seems inclined to refer to it even Sympathy itself.† It is hard to understand how, with such a disposition on the subject of a principle so generally thought ultimate as Sympathy, he should inconsistently with himself follow Mr. Stewart in representing the theory which derives the affections from Association as "a modification of the Selfish system."‡ He mistakes that theory when he states that it derives the affections from our experience that our own interest is connected with that of others: since, in truth, it considers our regard to our own interest as formed from the same original pleasures by association, which, by the like process, may and do *directly* generate affections towards others, without passing through the channel of regard to our general happiness. But, says he, this is only an hypothesis, since the formation of these affections is acknowledged to belong to a time of which there is no remembrance §;—an objection fatal to every theory of any mental functions,—subversive, for example, of Berkeley's discovery of acquired visual perception, and most strangely inconsistent in the mouth of a philosopher whose numerous simplifications of mental theory are and must be founded on occurrences which precede experience. It is in all other cases, and it must be in this, sufficient that the principle of the theory is really existing,—that it explains the appearances,—that its supposed action *resembles* what we know to be its action in

* Lectures, vol. iii. p. 248.
† Ibid. vol. iv. p. 82.
‡ Ibid. vol. iii. p. 282.
§ Ibid. vol. iv. p. 87.

those similar cases of which we have direct experience. Lastly, he in express words admits that, according to the theory to which he objects, we have affections which are at present disinterested.* Is it not a direct contradiction in terms to call such a theory "a modification of the Selfish system?" His language in the sequel clearly indicates a distrust of his own statement, and a suspicion that he is not only inconsistent with himself, but altogether mistaken.†

As we enter further into the territory of Ethics, we at length discover a distinction, originating with Brown, the neglect of which by preceding speculators we have more than once lamented as productive of obscurity and confusion. "The moral affections," says he, "which I consider at present, I consider rather physiologically" (or, as he elsewhere better expresses it, "psychologically") "than ethically, *as parts of our mental constitution*, not as involving the *fulfilment or violation of duties*."‡ He immediately, however, loses sight of this distinction, and reasons inconsistently with it, instead of following its proper consequences in his analysis of Conscience. Perhaps, indeed (for the words are capable of more than one sense), he meant to distinguish the virtuous affections from those sentiments which have Morality exclusively in view, rather than to distinguish the theory of Moral Sentiment from the attempt to ascertain the characteristic quality of right action. Friendship is conformable in its dictates to Morality; but it may, and does exist, without any view to it: he who feels the affections, and performs the duties of friendship, is the object of that distinct emotion which is called "moral approbation."

It is on the subject of Conscience that, in imitation of Mr. Stewart, and with the arguments of that philosopher, he makes his chief stand against the theory

* Lectures, vol. iv. p. 87. † Ibid. vol. iv. pp. 94—97.
‡ Ibid. vol. iii. p. 231.

which considers the formation of that master faculty itself as probably referable to the necessary and universal operation of those laws of human nature to which he himself ascribes almost every other state of mind. On both sides of this question the supremacy of Conscience is alike held to be venerable and absolute. Once more, be it remembered that the question is purely philosophical, and is only whether, from the impossibility of explaining its formation by more general laws, we are reduced to the necessity of considering it as an original fact in human nature, of which no further account can be given. Let it, however, be also remembered, that we are not driven to this supposition by the mere circumstance, that no satisfactory explanation has yet appeared; for there are many analogies in an unexplained state of mind to states already explained, which may justify us in believing that the explanation requires only more accurate observation, and more patient meditation, to be brought to that completeness which it probably will attain.

SECTION VII.

GENERAL REMARKS.

THE oft-repeated warning with which the foregoing section concluded being again premised, it remains that we should offer a few observations, which naturally occur on the consideration of Dr. Brown's argument in support of the proposition, that moral approbation is not only in its mature state independent of, and superior to, any other principle of human nature (regarding which there is no dispute), but that its origin is altogether inexplicable, and that its existence is an ultimate fact in mental science. Though these observations are immediately occasioned by the writ-

ings of Brown, they are yet, in the main, of a general nature, and might have been made without reference to any particular writer.

The term "suggestion," which might be inoffensive in describing merely intellectual associations, becomes peculiarly unsuitable when it is applied to those combinations of thought with emotion, and to those unions of feeling which compose the emotive nature of Man. Its common sense of a sign *recalling* the thing signified, always embroils the new sense vainly forced upon it. No one can help owning that if it were consistently pursued, so as that we were to speak of "suggesting a feeling" or "passion," the language would be universally thought absurd. To "suggest love" or "hatred" is a mode of expression so manifestly incongruous, that most readers would choose to understand it as suggesting reflections on the subject of these passages. "Suggest" would not commonly be understood as synonymous with "revive" or "rekindle." Defects of the same sort may indeed be found in the parallel phrases of most, if not all, philosophers; and all of them proceed from the erroneous but prevalent notion, that the law of Association produces only such a close union of a thought and a feeling, as gives one the power of reviving the other;—the truth being that it forms them into a new compound, in which the properties of the component parts are no longer discoverable, and which may itself become a substantive principle of human nature. They supposed the condition, produced by the power of that law, to resemble that of material substances in a state of mechanical separation; whereas in reality it may be better likened to a chemical combination of the same substances, from which a totally new product arises. Their language involves a confusion of the question which relates to the *origin* of the principles of human activity, with the other and far more important question which relates to their *nature;* and

as soon as this distinction is hidden, the theorist is either betrayed into the Selfish system by a desire of clearness and simplicity, or tempted to the needless multiplication of ultimate facts by mistaken anxiety for what he supposes to be the guards of our social and moral nature. The defect is common to Brown with his predecessors, but in him it is less excusable; for he saw the truth and recoiled from it. It is the main defect of the term "association" itself, that it does not, till after long use, convey the notion of a perfect union, but rather leads to that of a combination which may be dissolved, if not at pleasure, at least with the help of care and exertion; which is utterly and dangerously false in the important cases where such unions are considered as constituting the most essential principles of human nature. Men can no more dissolve these unions than they can disuse their habit of judging of distance by the eye, and often by the ear. But "suggestion" implies, that what suggests is separate from what is suggested, and consequently negatives that unity in an active principle which the whole analogy of nature, as well as our own direct consciousness, shows to be perfectly compatible with its origin in composition.

Large concessions are, in the first place, to be remarked, which must be stated, because they very much narrow the matter in dispute. Those who, before Brown, contended against "beneficial tendency" as the standard of Morality, have either shut their eyes on the connection of Virtue with general utility, or carelessly and obscurely allowed, without further remark, a connection which is at least one of the most remarkable and important of ethical facts. He acts more boldly, and avowedly discusses "the relation of Virtue to Utility." He was compelled by that discussion to make those concessions which so much abridge this controversy. "Utility and Virtue are so related, that there is perhaps no action generally felt to be virtuous, which it would not be beneficial that

all men in similar circumstances should imitate."* "In every case of benefit or injury willingly done, there arise certain emotions of moral approbation or disapprobation."† "The intentional produce of evil, as pure evil, is always hated, and that of good, as pure good, always loved."‡ All virtuous acts are thus admitted to be universally beneficial; Morality and the general benefit are acknowledged always to coincide. It is hard to say, then, why they should not be reciprocally tests of each other, though in a very different way;—the virtuous feelings, fitted as they are by immediate appearance, by quick and powerful action, to be sufficient tests of Morality in the moment of action, and for all practical purposes; while the consideration of tendency of those acts to contribute to general happiness, a more obscure and slowly discoverable quality, should be applied in general reasoning, as a test of the sentiments and dispositions themselves. In cases where such last-mentioned test has been applied, no proof has been attempted that it has ever deceived those who used it in the proper place. It has uniformly served to justify our moral constitution, and to show how reasonable it is for us to be guided in action by our higher feelings. At all events it should be, but has not been considered, that from these concessions alone it follows, that beneficial tendency is at least one constant property of Virtue. Is not this, in effect, an admission that beneficial tendency does distinguish virtuous acts and dispositions from those which we call vicious? If the criterion be incomplete or de-

* Lectures, vol. iv. p. 45. The unphilosophical word "perhaps" must be struck out of the proposition, unless the whole be considered as a mere conjecture; it limits no affirmation, but destroys it, by converting it into a guess. See the like concession, vol. iv. p. 33., with some words interlarded, which betray a sort of reluctance and fluctuation, indicative of the difficulty with which Brown struggled to withhold his assent from truths which he unreasonably dreaded.

† Ibid. vol. iii. p. 567. ‡ Ibid. vol. iii. p. 621.

lusive, let its faults be specified, and let some other quality be pointed out, which, either singly or in combination with beneficial tendency, may more perfectly indicate the distinction. But let us not be assailed by arguments which leave untouched its value as a test, and are in truth directed only against its fitness as an *immediate* incentive and guide to right action. To those who contend for its use in the latter character, it must be left to defend, if they can, so untenable a position: but all others must regard as pure sophistry the use of arguments against it as a test, which really show nothing more than its acknowledged unfitness to be a motive.

When voluntary benefit and voluntary injury are pointed out as the main, if not the sole objects of moral approbation and disapprobation,—when we are told truly, that the production of good, as good, is always loved, and that of evil, as such, always hated, can we require a more clear, short, and unanswerable proof, that beneficial tendency is an essential quality of Virtue? It is indeed an evidently necessary consequence of this statement, that if benevolence be amiable in itself, our affection for it must increase with its extent, and that no man can be in a perfectly right state of mind, who, if he consider general happiness at all, is not ready to acknowledge that a good man must regard it as being in its own nature the most desirable of all objects, however the constitution and circumstances of human nature may render it unfit or impossible to pursue it *directly* as the object of life. It is at the same time apparent that no such man can consider any habitual disposition, clearly discerned to be in its whole result at variance with general happiness, as not unworthy of being cultivated, or as not fit to be rooted out. It is manifest that, if it were otherwise, he would cease to be benevolent. As soon as we conceive the sublime idea of a Being who not only foresees, but commands, all the consequences of the actions of all voluntary agents,

this scheme of reasoning appears far more clear. In such a case, if our moral sentiments remain the same, they compel us to attribute His whole government of the world to benevolence. The consequence is as necessary as in any process of reason; for if our moral nature be supposed, it will appear self-evident, that it is as much impossible for us to love and revere such a Being, if we ascribe to Him a mixed or imperfect benevolence, as to believe the most positive contradiction in terms. Now, as Religion consists in that love and reverence, it is evident that it cannot subsist without a belief in benevolence as the sole principle of divine government. It is nothing to tell us that this is not a process of reasoning, or, to speak more exactly, that the first propositions are assumed. The first propositions in every discussion relating to intellectual operations must likewise be assumed. Conscience is not Reason, but it is not less an essential part of human nature. Principles which are essential to all its operations are as much entitled to immediate and implicit assent, as those principles which stand in the same relation to the reasoning faculties. The laws prescribed by a benevolent Being to His creatures must necessarily be founded on the principle of promoting their happiness. It would be singular indeed, if the proofs of the goodness of God, legible in every part of Nature, should not, above all others, be most discoverable and conspicuous in the beneficial tendency of His moral laws.

But we are asked, if tendency to general welfare be the standard of Virtue, why is it not always present to the contemplation of every man who does or prefers a virtuous action? Must not Utility be in that case "the felt essence of Virtue?"* Why are other ends, besides general happiness, fit to be morally pursued?

These questions, which are all founded on that confusion of the theory of *actions* with the theory of

* Lectures, vol. iv. p. 38.

sentiments, against which the reader was so early warned*, might be dismissed with no more than a reference to that distinction, from the forgetfulness of which they have arisen. By those advocates of the principle of Utility indeed, who hold it to be a necessary part of their system, that some glimpse at least of tendency to personal or general well-being is an essential part of the motives which render an action virtuous, these questions cannot be satisfactorily answered. Against such they are arguments of irresistible force; but against the doctrine itself, rightly understood and justly bounded, they are altogether powerless. The reason why there may, and must be many ends morally more fit to be pursued in practice than general happiness, is plainly to be found in the limited capacity of Man. A perfectly good Being, who foresees and commands all the consequences of action, cannot indeed be conceived by us to have any other end in view than general well-being. Why evil exists under that perfect government, is a question towards the solution of which the human understanding can scarcely advance a single step. But all who hold the evil to exist only for good, and own their inability to explain why or how, are perfectly exempt from any charge of inconsistency in their obedience to the dictates of their moral nature. The measure of the faculties of Man renders it absolutely necessary for him to have many other practical ends; the pursuit of all of which is moral, when it actually tends to general happiness, though that last end never entered into the contemplation of the agent. It is impossible for us to calculate the effects of a single action, any more than the chances of a single life. But let it not be hastily concluded, that the calculation of consequences is impossible in moral subjects. To calculate the general tendency of every sort of human action, is a possible, easy, and common operation. The ge-

* See *suprà*, p. 14.

neral good effects of temperance, prudence, fortitude, justice, benevolence, gratitude, veracity, fidelity, of the affections of kindred, and of love for our country, are the subjects of calculations which, taken as generalities, are absolutely unerring. They are founded on a larger and firmer basis of more uniform experience, than any of those ordinary calculations which govern prudent men in the whole business of life. An appeal to these daily and familiar transactions furnishes at once a decisive answer, both to those advocates of Utility who represent the consideration of it as a necessary ingredient in virtuous motives, as well as moral approbation, and to those opponents who turn the unwarrantable inferences of unskilful advocates into proofs of the absurdity into which the doctrine leads.

The cultivation of all the habitual sentiments from which the various classes of virtuous actions flow, the constant practice of such actions, the strict observance of rules in all that province of Ethics which can be subjected to rules, the watchful care of all the outworks of every part of duty, and of that descending series of useful habits which, being securities to Virtue, become themselves virtues, — are so many ends which it is absolutely necessary for man to pursue and to seek for their own sake. "I saw D'Alembert," says a very late writer, "congratulate a young man very coldly, who brought him a solution of a problem. The young man said, 'I have done this in order to have a seat in the Academy.' 'Sir,' answered D'Alembert, 'with such dispositions you never will earn one. Science must be loved for its own sake, and not for the advantage to be derived. No other principle will enable a man to make progress in the sciences.'"* It is singular that D'Alembert should not perceive the extensive application of this truth to the whole nature of Man. No man can make progress in a virtue who

* Mémoires de Montlosier, vol. i. p. 50.

does not seek it for its own sake. No man is a friend, a lover of his country, a kind father, a dutiful son, who does not consider the cultivation of affection and the performance of duty in all these cases respectively, as incumbent on him for their own sake, and not for the advantage to be derived from them. Whoever serves another with a view of advantage to himself is universally acknowledged not to act from affection. But the more immediate application of this truth to our purpose is, that in the case of those virtues which are the means of cultivating and preserving other virtues, it is necessary to acquire love and reverence for the secondary virtues for their own sake, without which they never will be effectual means of sheltering and strengthening those intrinsically higher qualities to which they are appointed to minister. Every moral act must be considered as an end, and men must banish from their practice the regard to the most naturally subordinate duty as a means. Those who are perplexed by the supposition that secondary virtues, making up by the *extent* of their beneficial tendency for what in each particular instance they may want in *magnitude*, may become of as great importance as the primary virtues themselves, would do well to consider a parallel though very homely case. A house is useful for many purposes: many of these purposes are in themselves, for the time, more important than shelter. The destruction of the house may, nevertheless, become a greater evil than the defeat of several of these purposes, because it is permanently convenient, and indeed necessary to the execution of most of them. A floor is made for warmth, for dryness, — to support tables, chairs, beds, and all the household implements which contribute to accommodation and to pleasure. The floor is valuable only as a means; but, as the only means by which many ends are attained, it may be much more valuable than some of them. The table might be, and generally is, of more valuable timber than the floor; but the

workman who should for that reason take more pains in making the table strong, than the floor secure, would not long be employed by customers of common sense.

The connection of that part of Morality which regulates the intercourse of the sexes with benevolence, affords the most striking instance of the very great importance which may belong to a virtue, in itself secondary, but on which the general cultivation of the highest virtues permanently depends. Delicacy and modesty may be thought chiefly worthy of cultivation, because they guard purity; but they must be loved for their own sake, without which they cannot flourish. Purity is the sole school of domestic fidelity, and domestic fidelity is the only nursery of the affections between parents and children, from children towards each other, and, through these affections, of all the kindness which renders the world habitable. At each step in the progress, the appropriate end must be loved for its own sake; and it is easy to see how the only means of sowing the seeds of benevolence, in all its forms, may become of far greater importance than many of the modifications and exertions even of benevolence itself. To those who will consider this subject, it will not long seem strange that the sweetest and most gentle affections grow up only under the apparently cold and dark shadow of stern duty. The obligation is strengthened, not weakened, by the consideration that it arises from human imperfection; which only proves it to be founded on the nature of man. It is enough that the pursuit of all these separate ends leads to general well-being, the promotion of which is the final purpose of the Creation.

The last and most specious argument against beneficial tendency, even as a test, is conveyed in the question, Why moral approbation is not bestowed on every thing beneficial, instead of being confined, as it confessedly is, to voluntary acts? It may plausibly be said, that the establishment of the beneficial ten-

dency of all those voluntary acts which are the objects of moral approbation, is not sufficient;—since, if such tendency be the standard, it ought to follow, that whatever is useful should also be morally approved. To answer, as has before been done*, that experience gradually limits moral approbation and disapprobation to voluntary acts, by teaching us that they influence the Will, but are wholly wasted if they be applied to any other object,—though the fact be true, and contributes somewhat to the result,—is certainly not enough. It is at best a partial solution. Perhaps, on reconsideration, it is entitled only to a secondary place. To seek a foundation for universal, ardent, early, and immediate feelings, in processes of an intellectual nature, has, since the origin of philosophy, been the grand error of ethical inquirers into human nature. To seek for such a foundation in Association,—an early and insensible process, which confessedly mingles itself with the composition of our first and simplest feelings, and which is common to both parts of our nature, is not liable to the same animadversion. If Conscience be uniformly produced by the regular and harmonious co-operation of many processes of association, the objection is in reality a challenge to produce a complete theory of it, founded on that principle, by exhibiting such a full account of all these processes as may satisfactorily explain why it proceeds thus far and no farther. This would be a very arduous attempt, and perhaps it may be premature. But something may be more modestly tried towards an *outline*, which, though it may leave many particulars unexplained, may justify a reasonable expectation that they are not incapable of explanation, and may even now assign such reasons for the limitation of approbation to voluntary acts, as may convert the objection derived from that fact into a corroboration of the doctrines to which it has been opposed as an

* See *suprà*, p. 147.

insurmountable difficulty. Such an attempt will naturally lead to the close of the present Dissertation. The attempt has indeed been already made*, but not without great apprehensions on the part of the author that he has not been clear enough, especially in those parts which appeared to himself to owe most to his own reflection. He will now endeavour, at the expense of some repetition, to be more satisfactory.

There must be primary pleasures, pains, and even appetites, which arise from no prior state of mind, and which, if explained at all, can be derived only from bodily organisation; for if there were not, there could be no secondary desires. What the number of the underived principles may be, is a question to which the answers of philosophers have been extremely various, and of which the consideration is not necessary to our present purpose. The rules of philosophising, however, require that causes should not be multiplied without necessity. Of two explanations, therefore, which give an equally satisfactory account of appearances, that theory is manifestly to be preferred which supposes the smaller number of ultimate and inexplicable principles. This maxim, it is true, is subject to three indispensable conditions:— 1st, That the principles employed in the explanation should be known really to exist; in which consists the main distinction between hypothesis and theory. Gravity is a principle universally known to exist; ether and a nervous fluid are mere suppositions. — 2dly, That these principles should be known to produce effects *like* those which are ascribed to them in the theory. This is a further distinction between hypothesis and theory; for there are an infinite number of degrees of *likeness*, from the faint resemblances which have led some to fancy that the functions of the nerves depend on electricity, to the remarkable coincidences between the appearances of

* See *suprà*, p. 167. *et seq.*

projectiles on earth, and the movements of the heavenly bodies, which constitutes the Newtonian system, — a theory now perfect, though exclusively founded on analogy, and in which one of the classes of phenomena brought together by it is not the subject of direct experience. — 3dly, That it should correspond, if not with all the facts to be explained, at least with so great a majority of them as to render it highly probable that means will in time be found of reconciling it to all. It is only on this ground that the Newtonian system justly claimed the title of a legitimate theory during that long period when it was unable to explain many celestial appearances, before the labours of a century, and the genius of Laplace, at length completed it by adapting it to all the phenomena. A theory may be just before it is complete.

In the application of these canons to the theory which derives most of the principles of human action from the transfer of a small number of pleasures, perhaps organic ones, by the law of Association to a vast variety of new objects, it cannot be denied, 1st, That it satisfies the first of the above conditions, inasmuch as Association is *really* one of the laws of human nature; 2dly, That it also satisfies the second, for Association certainly produces effects *like* those which are referred to it by this theory; — otherwise there would be no secondary desires, no acquired relishes and dislikes, — facts universally acknowledged, which are, and can be explained only by the principle called by Hobbes "Mental Discourse," — by Locke, Hume, Hartley, Condillac, and the majority of speculators, as well as in common speech, "Association," — by Tucker, "Translation," — and by Brown, "Suggestion." The facts generally referred to the principle *resemble* those which are claimed for it by the theory in this important particular, that in both cases equally, pleasure becomes attached to perfectly new things, — so that the derivative desires become perfectly independent on the primary. The great dis-

similarity of these two classes of passions has been supposed to consist in this, that the former always regards the interest of the individual, while the latter regards the welfare of others. The philosophical world has been almost entirely divided into two sects, — the partisans of Selfishness, comprising mostly all the predecessors of Butler, and the greater part of his successors, and the advocates of Benevolence, who have generally contended that the reality of Disinterestedness depends on its being a *primary principle.* Enough has been said by Butler against the more fatal heresy of Selfishness: something also has already been said against the error of the advocates of Disinterestedness, in the progress of this attempt to develope ethical truths historically, in the order in which inquiry and controversy brought them out with increasing brightness. The analogy of the material world is indeed faint, and often delusive; yet we dare not utterly reject that on which the whole technical language of mental and moral science is necessarily grounded. The whole creation teems with instances where the most powerful agents and the most lasting bodies are the acknowledged results of the composition, sometimes of a few, often of many elements. These compounds often in their turn become the elements of other substances; and it is with them that we are conversant chiefly in the pursuits of knowledge, and solely in the concerns of life. No man ever fancied, that because they were compounds, they were therefore less *real.* It is impossible to confound them with any of the separate elements which contribute towards their formation. But a much more close resemblance presents itself: every secondary desire, or acquired relish, involves in it a transfer of pleasure to something which was before indifferent or disagreeable. Is the new pleasure the less real for being acquired? Is it not often preferred to the original enjoyment? Are not many of these secondary pleasures indestructible? Do not

many of them survive primary appetites? Lastly, the important principle of regard to our own general welfare, which disposes us to prefer it to immediate pleasure (unfortunately called "Self-love,"— as if, in any intelligible sense of the term "love," it were possible for a man to love himself), is perfectly intelligible, if its origin be ascribed to Association, but utterly incomprehensible, if it be considered as prior to the appetites and desires, which alone furnish it with materials. As happiness consists of satisfactions, Self-love presupposes appetites and desires which are to be satisfied. If the order of time were important, the affections are formed at an earlier period than many self-regarding passions, and they always precede the formation of Self-love.

Many of the later advocates of the Disinterested system, though recoiling from an apparent approach to the Selfishness into which the purest of their antagonists had occasionally fallen, were gradually obliged to make concessions to the Derivative system, though clogged with the contradictory assertion, that it was only a refinement of Selfishness: and we have seen that Brown, the last and not the least in genius of them, has nearly abandoned the greater, though not indeed the most important, part of the territory in dispute, and scarcely contends for any underived principle but the Moral Faculty. This being the state of opinion among the very small number in Great Britain who still preserve some remains of a taste for such speculations, it is needless here to trace the application of the law of Association to the formation of the secondary desires, whether private or social. For our present purposes, the explanation of their origin may be assumed to be satisfactory. In what follows, it must, however, be steadily borne in mind, that this concession involves an admission that the pleasure derived form low objects may be transferred to the most pure,—that from a part of a self-regarding appetite such a pleasure may become a portion of a per-

fectly disinterested desire,—and that the disinterested nature and absolute independence of the latter are not in the slightest degree impaired by the consideration, that it is formed by one of those grand mental processes to which the formation of the other habitual states of the human mind have been, with great probability, ascribed.

When the social affections are thus formed, they are naturally followed in every instance by the will to do whatever can promote their object. Compassion excites a voluntary determination to do whatever relieves the person pitied: the like process must occur in every case of gratitude, generosity, and affection. Nothing so uniformly follows the kind disposition as the act of Will, because it is the only means by which the benevolent desire can be gratified. The result of what Brown justly calls "a finer analysis," shows a mental contiguity of the affection to the volition to be much closer than appears on a coarser examination of this part of our nature. No wonder then, that the strongest association, the most active power of reciprocal suggestion, should subsist between them. As all the affections are delightful, so the volitions—voluntary acts which are the only means of their gratification—become agreeable objects of contemplation to the mind. The habitual disposition to perform them is felt in ourselves, and observed in others, with satisfaction. As these feelings become more lively, the absence of them may be viewed in ourselves with a pain,—in others with an alienation capable of indefinite increase. They become entirely independent sentiments,—still, however, receiving constant supplies of nourishment from their parent affections,—which, in well-balanced minds, reciprocally strengthen each other;—unlike the unkind passions, which are constantly engaged in the most angry conflicts of civil war. In this state we desire to experience those *beneficent volitions*, to cultivate a disposition towards them, and to do every correspondent

voluntary act: they are for their own sake the objects of desire. They thus constitute a large portion of those emotions, desires, and affections, which regard certain dispositions of the mind and determinations of the Will as their sole and ultimate end. These are what are called the "Moral Sense," the "Moral Sentiments," or best, though most simply, by the ancient name of Conscience, — which has the merit, in our language, of being applied to no other purpose, — which peculiarly marks the strong working of these feelings on conduct, — and which, from its solemn and sacred character, is well adapted to denote the venerable authority of the highest principle of human nature.

Nor is this all: it has already been seen that not only sympathy with the sufferer, but indignation against the wrong-doer, contributes a large and important share towards the moral feelings. We are angry at those who disappoint our wish for the happiness of others; we make the resentment of the innocent person wronged our own: our moderate anger approves all well-proportioned punishment of the wrong-doer. We hence approve those dispositions and actions of voluntary agents which promote such suitable punishment, and disapprove those which hinder its infliction, or destroy its effect; at the head of which may be placed that excess of punishment beyond the average feelings of good men which turns the indignation of the calm by-stander against the culprit into pity. In this state, when anger is duly moderated, — when it is proportioned to the wrong, — when it is detached from personal considerations, — when *dispositions and actions are its ultimate objects*, it becomes a sense of justice, and is so purified as to be fitted to be a new element of Conscience. There is no part of Morality which is so *directly* aided by a conviction of the necessity of its observance to the general interest, as justice. The connection between them is discoverable by the most common under-

standing. All public deliberations profess the public welfare to be their object; all laws propose it as their end. This calm principle of public utility serves to mediate between the sometimes repugnant feelings which arise in the punishment of criminals, by repressing undue pity on one hand, and reducing resentment to its proper level on the other. Hence the unspeakable importance of criminal laws as a part of the moral education of mankind. Whenever they carefully conform to the Moral Sentiments of the age and country,—when they are withheld from approaching the limits within which the disapprobation of good men would confine punishment, they contribute in the highest degree to increase the ignominy of crimes, to make men recoil from the first suggestions of criminality, and to nourish and mature the sense of justice, which lends new vigour to the conscience with which it has been united.

Other contributary streams present themselves; qualities which are necessary to Virtue, but may be subservient to Vice, may, independently of that excellence, or of that defect, be in themselves admirable: courage, energy, decision, are of this nature. In their wild state they are often savage and destructive: when they are tamed by the society of the affections, and trained up in obedience to the Moral Faculty, they become virtues of the highest order, and, by their name of "magnanimity," proclaim the general sense of mankind that they are the characteristic qualities of a great soul. They retain whatever was admirable in their unreclaimed state, together with all that they borrow from their new associate and their high ruler. Their nature, it must be owned, is prone to evil; but this propensity does not hinder them from being rendered capable of being ministers of good, when in a state where the gentler virtues require to be vigorously guarded against the attacks of daring depravity. It is thus that the strength of the well-educated elephant is sometimes employed in vanquishing the

fierceness of the tiger, and sometimes used as a means of defence against the shock of his brethren of the same species. The delightful contemplation, however, of these qualities, when purely applied, becomes one of the sentiments of which the dispositions and actions of voluntary agents are the direct and final object. By this resemblance they are associated with the other moral principles, and with them contribute to form Conscience, which, as the master faculty of the soul, levies such large contributions on every province of human nature.

It is important, in this point of view, to consider also the moral approbation which is undoubtedly bestowed *on those dispositions and actions of voluntary agents* which terminate in their own satisfaction, security, and well-being. They have been called "duties to ourselves," as absurdly as a regard to our own greatest happiness is called "self-love." But it cannot be reasonably doubted, that intemperance, improvidence, timidity, — even when considered only in relation to the individual, — are not only regretted as imprudent, but blamed as morally wrong. It was excellently observed by Aristotle, that a man is not commended as *temperate*, so long as it costs him efforts of *self-denial* to persevere in the practice of temperance, but only when *he prefers that virtue for its own sake.* He is not meek, nor brave, as long as the most vigorous self-command is necessary to bridle his anger or his fear. On the same principle, he may be judicious or prudent, but he is not benevolent, if he confers benefits with a view to his own greatest happiness. In like manner, it is ascertained by experience, that all the masters of science and of art, — that all those who have successfully pursued Truth and Knowledge, love them for their own sake, without regard to the generally imaginary dower of interest, or even to the dazzling crown which Fame may place on their heads.* But

* See the Pursuit of Knowledge under Difficulties, a discourse

it may still be reasonably asked, why these useful qualities are morally improved, and how they become capable of being combined with those public and disinterested sentiments which principally constitute Conscience? The answer is, because they are entirely conversant with volitions and voluntary actions, and in that respect resemble the other constituents of Conscience, with which they are thereby fitted to mingle and coalesce. Like those other principles, they may be detached from what is personal and outward, and fixed on the dispositions and actions, which are the only means of promoting their ends. The sequence of these principles and acts of Will becomes so frequent, that the association between both may be as firm as in the former cases. All those sentiments of which the final object is a state of the Will, become thus intimately and inseparably blended; and of that perfect state of solution (if such words may be allowed) the result is Conscience — the judge and arbiter of human conduct — which, though it does not supersede *ordinary motives* of virtuous feelings and habits (equally the ordinary motives of good actions), yet exercises a lawful authority even over them, and ought to blend with them. Whatsoever actions and dispositions are approved by Conscience acquire the name of virtues

forming the first part of the third volume of the Library of Entertaining Knowledge, London, 1829. The author of this essay, for it can be no other than Mr. Brougham, will by others be placed at the head of those who, in the midst of arduous employments, and surrounded by all the allurements of society, yet find leisure for exerting the unwearied vigour of their minds in every mode of rendering permanent service to the human species; more especially in spreading a love of knowledge, and diffusing useful truth among all classes of men. These voluntary occupations deserve our attention still less as examples of prodigious power than as proofs of an intimate conviction, which binds them by unity of purpose with his public duties, that (to use the almost dying words of an excellent person) "man can neither be happy without virtue, nor actively virtuous without liberty, nor securely free without rational knowledge." — Close of Sir W. Jones's last Discourse to the Asiatic Society of Calcutta.

or duties: they are pronounced to deserve commendation: and we are justly considered as under a moral *obligation* to practise the actions and cultivate the dispositions.

The coalition of the private and public feelings is very remarkable in two points of view, from which it seems hitherto to have been scarcely observed. 1st. It illustrates very forcibly all that has been here offered to prove, that the peculiar character of the Moral Sentiments consists in their *exclusive reference to states of Will*, and that every feeling which has that quality, when it is purified from all admixture with different objects, becomes capable of being absorbed into Conscience, and of being assimilated to it, so as to become a part of it. For no feelings can be more unlike each other in their object than the private and the social; and yet, as both employ voluntary actions as their sole immediate means, both may be transferred by association to states of the Will, in which case they are transmuted into moral sentiments. No example of the coalition of feelings in their general nature less widely asunder, could afford so much support to this position. 2nd. By raising qualities useful to ourselves to the rank of virtues, it throws a strong light on the relation of Virtue to individual interest; very much as Justice illustrates the relation of Morality to general interest. The coincidence of Morality with individual interest is an important truth in Ethics: it is most manifest in that part of the science which we are now considering. A calm regard to our general interest is indeed a faint and infrequent motive of action. Its chief advantage is, that it is regular, and that its movements may be calculated. In deliberate conduct it may often be relied on, though perhaps never safely without knowledge of the whole temper and character of the agent. But in moral reasoning at least, the fore-named coincidence is of unspeakable advantage. If there be a miserable man who has cold affections, a weak sense of justice, dim perceptions of

right and wrong, and faint feelings of them, — if, still more wretched, his heart be constantly torn and devoured by malevolent passions — the vultures of the soul — we have one resource still left, even in cases so dreadful. Even *he* still retains a human principle, to which we can speak: he must own that he has some wish for his own lasting welfare. We can prove to him that his state of mind is inconsistent with it. It may be impossible indeed to show, that while his disposition continues the same, he can derive any enjoyment from the practice of virtue: but it may be most clearly shown, that every advance in the amendment of that disposition is a step towards even temporal happiness. If he do not amend his character, we may compel him to own that he is at variance with himself and offends against a principle of which even *he* must recognise the reasonableness.

The formation of Conscience from so many elements, and especially from the combination of elements so unlike as the private desires and the social affections, early contributes to give it the appearance of that simplicity and independence which in its mature state really distinguish it. It becomes, from these circumstances, more difficult to distinguish its separate principles; and it is impossible to exhibit them in separate action. The affinity of these various passions to each other, which consists in their having no object but *states of the Will*, is the only common property which strikes the mind. Hence the facility with which the general terms, first probably limited to the relations between ourselves and others, are gradually extended to all voluntary acts and dispositions. Prudence and temperance become the objects of moral approbation. When imprudence is immediately disapproved by the by-stander, without deliberate consideration of its consequences, it is not only displeasing, as being pernicious, but it is blamed as *wrong*, though with a censure so much inferior to that bestowed on inhumanity and injustice, as may justify those writers who use the

milder term "*improper.*" At length, when the general words come to signify the objects of moral approbation, and the reverse, they denote merely the power to excite feelings, which are as independent as if they were underived, and which coalesce the more perfectly, because they are detached from objects so various and unlike as to render their return to their primitive state very difficult.

The question*, Why we do not morally approve the useful qualities of actions which are altogether *involuntary?* may now be shortly and satisfactorily answered: — because Conscience is in perpetual contact, as it were, with all the dispositions and actions of *voluntary* agents, and is by that means indissolubly associated with them exclusively. It has a direct action on the Will, and a constant mental contiguity to it. It has no such mental contiguity to involuntary changes. It has never perhaps been observed, that an operation of the conscience precedes all acts deliberate enough to be in the highest sense voluntary, and does so as much when it is defeated as when it prevails. In either case the association is repeated. It extends to the whole of the active man. All passions have a definite outward object to which they tend, and a limited sphere within which they act. But Conscience has no object but a state of Will; and as an act of Will is the sole means of gratifying any passion, Conscience is co-extensive with the whole man, and without encroachment curbs or aids every feeling, — even within the peculiar province of that feeling itself. As Will is the universal means, Conscience, which regards Will, must be a universal principle. As nothing is interposed between Conscience and the Will when the mind is in its healthy state, the dictate of Conscience is followed by the determination of the Will, with a promptitude and exactness which very naturally is likened to the obedience of an inferior to

* See *suprà*, p. 253.

the lawful commands of those whom he deems to be rightfully placed over him. It therefore seems clear, that on the theory which has been attempted, moral approbation must be limited to voluntary operations, and Conscience must be universal, independent, and commanding.

One remaining difficulty may perhaps be objected to the general doctrines of this Dissertation, though it does not appear at any time to have been urged against other modifications of the same principle. "If moral approbation," it may be said, "involve no perception of beneficial tendency, whence arises the coincidence between that principle and the Moral Sentiments?" It may seem at first sight, that such a theory rests the foundation of Morals upon a coincidence altogether mysterious, and apparently capricious and fantastic. Waiving all other answers, let us at once proceed to that which seems conclusive. It is true that Conscience rarely contemplates so distant an object as the welfare of all sentient beings;—but to what point is every one of its elements directed? What, for instance, is the aim of all the social affections?—Nothing but the production of larger or smaller masses of happiness among those of our fellow-creatures who are the objects of these affections. In every case these affections promote happiness, as far as their foresight and their power extend. What can be more conducive, or even necessary, to the being and well-being of society, than the rules of justice? Are not the angry passions themselves, as far as they are ministers of Morality, employed in removing hinderances to the welfare of ourselves and others, and so in indirectly promoting it? The private passions terminate indeed in the happiness of the individual, which, however, is a part of general happiness, and the part over which we have most power. Every principle of which Conscience is composed has some portion of happiness for its object: to that point they all converge. General happiness is not indeed one of the

natural objects of Conscience, because our voluntary acts are not felt and perceived to affect it. But how small a step is left for Reason! It only casts up the items of the account. It has only to discover that the acts of those who labour to promote separate portions of happiness must increase the amount of the whole. It may be truly said, that if observation and experience did not clearly ascertain that beneficial tendency is the constant attendant and mark of all virtuous dispositions and actions, the same great truth would be revealed to us by the voice of Conscience. The coincidence, instead of being arbitrary, arises necessarily from the laws of human nature, and the circumstances in which mankind are placed. We perform and approve virtuous actions, partly because Conscience regards them as right, partly because we are prompted to them by good affections. All these affections contribute towards general well-being, though it is not necessary, nor would it be fit, that the agent should be distracted by the contemplation of that vast and remote object.

The various relations of Conscience to Religion we have already been led to consider on the principles of Butler, of Berkeley, of Paley, and especially of Hartley, who was brought by his own piety to contemplate as the last and highest stage of virtue and happiness, a sort of self-annihilation, which, however unsuitable to the present condition of mankind, yet places in the strongest light the disinterested character of the system, of which it is a conceivable, though perhaps not attainable, result. The completeness and rigour acquired by Conscience, when all its dictates are revered as the commands of a perfectly wise and good Being, are so obvious, that they cannot be questioned by any reasonable man, however extensive his incredulity may be. It is thus that she can add the warmth of an affection to the inflexibility of principle and habit. It is true that, in examining the evidence of the divine original of a religious system,

in estimating an imperfect religion, or in comparing the demerits of religions of human origin, hers must be the standard chiefly applied; but it follows with equal clearness, that those who have the happiness to find satisfaction and repose in divine revelation are bound to consider all those precepts for the government of the Will, delivered by her, which are manifestly universal, as the rules to which all their feelings and actions should conform. The true distinction between Conscience and a taste for moral beauty has already been pointed out*;—a distinction which, notwithstanding its simplicity, has been unobserved by philosophers, perhaps on account of the frequent co-operation and intermixture of the two feelings. Most speculators have either denied the existence of the taste, or kept it out of view in their theory, or exalted it to the place which is rightfully filled only by Conscience. Yet it is perfectly obvious that, like all the other feelings called "pleasures of imagination," it terminates in delightful contemplation, while the Moral Faculty always aims exclusively at voluntary action. Nothing can more clearly show that this last quality is the characteristic of Conscience, than its being thus found to distinguish that faculty from the sentiments which most nearly resemble it, most frequently attend it, and are most easily blended with it.

Some attempt has now been made to develope the fundamental principles of Ethical theory, in that historical order in which meditation and discussion brought them successively into a clearer light. That attempt, as far as it regards Great Britain, is at least chronologically complete. The spirit of bold speculation, conspicuous among the English of the seventeenth century, languished after the earlier part of the eighteenth, and seems, from the time of Hutcheson, to

* See *suprà*, p. 172.

have passed into Scotland, where it produced Hume, the greatest of sceptics, and Smith, the most eloquent of modern moralists; besides giving rise to that sober, modest, perhaps timid philosophy which is commonly called Scotch, and which has the singular merit of having first strongly and largely inculcated the absolute necessity of admitting certain principles as the foundation of all reasoning, and the indispensable conditions of thought itself. In the eye of the moralist all the philosophers of Scotland, — Hume and Smith as much as Reid, Campbell, and Stewart, — have also the merit of having avoided the Selfish system, and of having, under whatever variety of representation, alike maintained the disinterested nature of the social affections and the supreme authority of the Moral Sentiments. Brown reared the standard of revolt against the masters of the Scottish School, and in reality, still more than in words, adopted those very doctrines against which his predecessors, after their war against scepticism, uniformly combated. The law of Association, though expressed in other language, became the nearly universal principle of his system; and perhaps it would have been absolutely universal, if he had not been restrained rather by respectful feelings than by cogent reasons. With him the love of speculative philosophy, as a pursuit, appears to have expired in Scotland. There are some symptoms, yet however very faint, of the revival of a taste for it among the English youth: while in France instruction in it has been received with approbation from M. Royer Collard, the scholar of Stewart more than of Reid, and with enthusiasm from his pupil and successor M. Cousin, who has clothed the doctrines of the Schools of Germany in an unwonted eloquence, which always adorns, but sometimes disguises them.

The history of political philosophy, even if its extent and subdivisions were better defined, would manifestly have occupied another dissertation, at least equal in length to the present. The most valuable

parts of it belong to civil history. It has too much of the spirit of faction and turbulence infused into it to be easily combined with the calmer history of the progress of Science, or even with that of the revolutions of speculation. In no age of the world were its principles so interwoven with political events, and so deeply imbued with the passions and divisions excited by them, as in the eighteenth century.

It was at one time the purpose, or rather perhaps the hope, of the writer, to close this discourse by an account of the Ethical systems which have prevailed in Germany during the last half century; — which, maintaining the same spirit amidst great changes of technical language, and even of speculative principle, have now exclusive possession of Europe to the north of the Rhine, — have been welcomed by the French youth with open arms, — have roused in some measure the languishing genius of Italy, but are still little known, and unjustly estimated by the mere English reader. He found himself, however, soon reduced to the necessity of either being superficial, and by consequence uninstructive, or of devoting to that subject a far longer time than he can now spare, and a much larger space than the limits of this work would probably allow. The majority of readers will, indeed, be more disposed to require an excuse for the extent of what has been done, than for the relinquishment of projected additions. All readers must agree that this is peculiarly a subject on which it is better to be silent than to say too little.

A very few observations, however, on the German philosophy, as far as relates to its ethical bearings and influence, may perhaps be pardoned. These remarks are not so much intended to be applied to the moral doctrines of that school, considered in themselves, as to those apparent defects in the prevailing systems of Ethics throughout Europe, which seem to have suggested the necessity of their adoption. Kant has himself acknowledged that his whole theory of the perci-

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It was at one time the purpose, or rather perhaps the hope, of the writer, to close this discourse by an account of the Ethical systems which have prevailed in Germany during the last half century; — which, maintaining the same spirit amidst great changes of technical language, and even of speculative principle, have now exclusive possession of Europe to the north of the Rhine, — have been welcomed by the French youth with open arms, — have roused in some measure the languishing genius of Italy, but are still little known, and unjustly estimated by the mere English reader. He found himself, however, soon reduced to the necessity of either being superficial, and by consequence uninstructive, or of devoting to that subject a far longer time than he can now spare, and a much larger space than the limits of this work would probably allow. The majority of readers will, indeed, be more disposed to require an excuse for the extent of what has been done, than for the relinquishment of projected additions. All readers must agree that this is peculiarly a subject on which it is better to be silent than to say too little.

A very few observations, however, on the German philosophy, as far as relates to its ethical bearings and influence, may perhaps be pardoned. These remarks are not so much intended to be applied to the moral doctrines of that school, considered in themselves, as to those apparent defects in the prevailing systems of Ethics throughout Europe, which seem to have suggested the necessity of their adoption. Kant has himself acknowledged that his whole theory of the perci-

pient and intellectual faculty was intended to protect the first principles of human knowledge against the assaults of Hume. In like manner, his Ethical system is evidently framed for the purpose of guarding certain principles, either directly governing, or powerfully affecting practice, which seemed to him to have been placed on unsafe foundations by their advocates, and which were involved in perplexity and confusion, especially by those who adapted the results of various and sometimes contradictory systems to the taste of multitudes,—more eager to know than prepared to be taught. To the theoretical Reason the former superadded the Practical Reason, which had peculiar laws and principles of its own, from which all the rules of Morals may be deduced. The Practical Reason cannot be conceived without these laws; therefore they are *inherent*. It perceives them to be *necessary* and *universal*. Hence, by a process not altogether dissimilar, at least in its gross results, to that which was employed for the like purpose by Cudworth and Clarke, by Price, and in some degree by Stewart, he raises the social affections, and still more the Moral Sentiments, above the sphere of enjoyment, and beyond that series of enjoyments which is called happiness. The performance of duty, not the pursuit of happiness, is in this system the chief end of man. By the same intuition we discover that Virtue deserves happiness; and as this desert is not uniformly so requited in the present state of existence, it compels us to believe a moral government of the world, and a future state of existence, in which all the conditions of the Practical Reason will be realised;—truths of which, in the opinion of Kant, the argumentative proofs were at least very defective, but of which the revelations of the Practical Reason afforded a more conclusive demonstration than any process of reasoning could supply. The Understanding, he owned, saw nothing in the connection of motive with volition different from what it discovered in every other uniform

sequence of a cause and an effect. But as the moral law delivered by the Practical Reason issues peremptory and inflexible commands, the power of always obeying them is implied in their very nature. All individual objects, all outward things, must indeed be viewed in the relation of cause and effect: these last are necessary conditions of all reasoning. But the acts of the faculty which *wills*, of which we are immediately conscious, belong to another province of mind, and are not subject to these laws of the theoretical Reason. The mere intellect must still regard them as necessarily connected; but the Practical Reason distinguishes its own *liberty* from the *necessity* of nature, conceives volition without at the same time conceiving an antecedent to it, and regards all moral beings as the original authors of their own actions.

Even those who are unacquainted with this complicated and comprehensive system, will at once see the slightness of the above sketch: those who understand it, will own that so brief an outline could not be otherwise than slight. It will, however, be sufficient for the present purpose, if it render what follows intelligible.

With respect to what is called the "Practical Reason," the Kantian system varies from ours, in treating it as having more resemblance to the intellectual powers than to sentiment and emotion:—enough has already been said on that question. At the next step, however, the difference seems to resolve itself into a misunderstanding. The character and dignity of the human race surely depend, not on the state in which they are born, but on that which they are all destined to attain, or to approach. No man would hesitate in assenting to this observation, when applied to the intellectual faculties. Thus, the human infant comes into the world imbecile and ignorant; but a vast majority acquire some vigour of reason and extent of knowledge. Strictly, the human infant is born neither selfish nor social; but a far greater part acquire some provident

regard to their own welfare, and a number, probably not much smaller, feel some sparks of affection towards others. On our principles, therefore, as much as on those of Kant, human nature is capable of disinterested sentiments. For we too allow and contend that our Moral Faculty is a *necessary* part of human nature,—that it *universally* exists in human beings,—and that we cannot conceive any moral agents without qualities which are either like, or produce the like effects. It is necessarily regarded by us as co-extensive with human, and even with moral nature. In what other sense can *universality* be predicated of any proposition not identical? Why should it be tacitly assumed that all these great characteristics of Conscience should necessarily presuppose its being unformed and underived? What contradiction is there between them and the theory of regular and uniform formation?

In this instance it would seem that a general assent to truth is chiefly, if not solely, obstructed by an inveterate prejudice, arising from the mode in which the questions relating to the affections and the Moral Faculty have been discussed among ethical philosophers. Generally speaking, those who contend that these parts of the mind are acquired, have also held that they are, in their perfect state, no more than modifications of self-love. On the other hand, philosophers "of purer fire," who felt that Conscience is sovereign, and that affection is disinterested, have too hastily fancied that their ground was untenable, without contending that these qualities were inherent or innate, and absolutely underived from any other properties of Mind. If a choice were necessary between these two systems as masses of opinion, without any freedom of discrimination and selection, I should unquestionably embrace that doctrine which places in the clearest light the reality of benevolence and the authority of the Moral Faculty. But it is surely easy to apply a test which may be applied to our conceptions as effectually as a decisive experiment is applied

to material substances. Does not he who, whatever he may think of the origin of these parts of human nature, believes that *actually* Conscience is supreme, and affection terminates in its direct object, retain all that for which the partisans of the underived principles value and cling to their system? "But they are made," these philosophers may say, "by this class of our antagonists, to rest on insecure foundations: unless they are underived, we can see no reason for regarding them as independent." In answer, it may be asked, how is connection between these two qualities established? It is really assumed. It finds its way easily into the mind under the protection of another coincidence, which is of a totally different nature. The great majority of those speculators who have represented the moral and social feelings as acquired, have also considered them as being mere modifications of self-love, and sometimes as being casually formed and easily eradicated, like local and temporary prejudices. But when the nature of our feelings is thoroughly explored, is it not evident that this coincidence is the result of superficial confusion? The better moralists observed accurately, and reasoned justly, on the province of the Moral Sense and the feelings in the formed and mature man: they reasoned mistakenly on the origin of these principles. But the Epicureans were by no means right, even on the latter question; and they were totally wrong on the other, and far more momentous, part of the subject: their error is more extensive, and infinitely more injurious. But what should now hinder an inquirer after truth from embracing, but amending their doctrine where it is partially true, and adopting without any change the just description of the most important principles of human nature which we owe to their more enlightened as well as more generous antagonists?

Though unwilling to abandon the arguments by which, from the earliest times, the existence of the

Supreme and Eternal Mind has been established, we, as well as the German philosophers, are entitled to call in the help of our moral nature to lighten the burden of those tremendous difficulties which cloud His moral government. The moral nature is an actual part of man, as much on our scheme as on theirs.

Even the celebrated questions of Liberty and Necessity may perhaps be rendered somewhat less perplexing, if we firmly bear in mind that peculiar relation of Conscience to the Will which we have attempted to illustrate. It is impossible for Reason to consider occurrences otherwise than as bound together by the connection of cause and effect; and in this circumstance consists the strength of the Necessitarian system. But Conscience, which is equally a constituent part of the mind, has other laws. It is composed of *emotions and desires, which contemplate only those dispositions which depend on the Will.* Now, it is the nature of an emotion to withdraw the mind from the contemplation of every idea but that of the object which excites it: while every desire exclusively looks at the object which it seeks. Every attempt to enlarge the mental vision alters the state of mind, weakens the emotion, or dissipates the desire, and tends to extinguish both. If a man, while he was pleased with the smell of a rose, were to reflect on the chemical combinations from which it arose, the condition of his mind would be changed from an enjoyment of the senses to an exertion of the Understanding. If, in the view of a beautiful scene, a man were suddenly to turn his thoughts to the disposition of water, vegetables, and earths, on which its appearance depended, he might enlarge his knowledge of Geology, but he must lose the pleasure of the prospect. The anatomy and analysis of the flesh and blood of a beautiful woman necessarily suspend admiration and affection. Many analogies here present themselves. When life is in danger either in a storm or a battle, it is certain

that less fear is felt by the commander or the pilot, and even by the private soldier actively engaged, or the common seaman laboriously occupied, than by those who are exposed to the peril, but not employed in the means of guarding against it. The reason is not that the one class believe the danger to be less: they are likely in many instances to perceive it more clearly. But having acquired a habit of instantly turning their thoughts to the means of counteracting the danger, their minds are thrown into a state which excludes the ascendancy of fear. Mental fortitude entirely depends on this habit. The timid horseman is haunted by the fear of a fall: the bold and skilful thinks only about the best way of curbing or supporting his horse. Even when all means of avoiding danger are in both cases evidently unavailable, the brave man still owes to his fortunate habit that he does not suffer the agony of the coward. Many cases have been known where fortitude has reached such strength that the faculties, instead of being confounded by danger, are never raised to their highest activity by a less violent stimulant. The distinction between such men and the coward does not depend on difference of opinion about the reality or extent of the danger, but on a state of mind which renders it more or less accessible to fear. Though it must be owned that the Moral Sentiments are very different from any other human faculty, yet the above observations seem to be in a great measure applicable to every state of mind. The emotions and desires which compose Conscience, while they occupy the mind, must exclude all contemplation of the cause in which the object of these feelings may have originated. To their eye the *voluntary* dispositions and actions, their sole object, must appear to be the first link of a chain: in the view of Conscience these have no foreign origin, and her view, constantly associated as she is with *all volitions*, becomes habitual. Being always possessed of some, and capable of intense warmth, it predominates over the habits of thinking

of those few who are employed in the analyses of mental occupations.

The reader who has in any degree been inclined to adopt the explanations attempted above, of the imperative character of Conscience, may be disposed also to believe that they afford some foundation for that conviction of the existence of a power to obey its commands, which (it ought to be granted to the German philosophers) is irresistibly suggested by the commanding tone of all its dictates. If such an explanation should be thought worthy of consideration, it must be very carefully distinguished from that illusive sense by which some writers have laboured to reconcile the feeling of liberty with the reality of necessity.* In this case there is no illusion; nothing is required but the admission that every faculty observes its own laws, and that when the action of the one fills the mind, that of every other is suspended. The ear cannot see, nor can the eye hear: why then should not the greater powers of Reason and Conscience have different habitual modes of contemplating voluntary actions? How strongly do experience and analogy seem to require the arrangement of motive and volition under the class of causes and effects! With what irresistible power, on the other hand, do all our moral sentiments remove extrinsic agency from view, and concentrate all feeling in the agent himself! The one manner of thinking may predominate among the speculative few in their short moments of abstraction; the other will be that of all other men, and of the speculator himself, when he is called upon to act, or when his feelings are powerfully excited by the amiable or odious dispositions of his fellow-men. In these workings of various faculties there is nothing that can be accurately described as contrariety of opinion. An intellectual state, and a feeling, never can be contrary

* Lord Kames, in his Essays on Morality and Natural Religion and in his Sketches of the History of Man.

to each other: they are too utterly incapable of comparison to be the subject of contrast; they are agents of a perfectly different nature, acting in different spheres. A feeling can no more be called true or false, than a demonstration, considered simply in itself, can be said to be agreeable or disagreeable. It is true, indeed, that in consequence of the association of all mental acts with each other, emotions and desires may occasion habitual errors of judgment; but liability to error belongs to every exercise of human reason; it arises from a multitude of causes; it constitutes, therefore, no difficulty peculiar to the case before us. Neither truth nor falsehood can be predicated of the perceptions of the senses, but they lead to false opinions. An object seen through different mediums may by the inexperienced be thought to be no longer the same. All men long concluded falsely, from what they saw, that the earth was stationary, and the sun in perpetual motion around it: the greater part of mankind still adopt the same error. Newton and Laplace used the same language with the ignorant, and conformed, — if we may not say to their opinion, — at least to their habits of thinking on all ordinary occasions, and during the far greater part of their lives. Nor is this all: the language which represents various states of mind is very vague. The word which denotes a compound state is often taken from its *principal* fact, — from that which is most conspicuous, most easily called to mind, most warmly felt, or most frequently recurring. It is sometimes borrowed from a separate, but, as it were, neighbouring condition of mind. The grand distinction between thought and feeling is so little observed, that we are peculiarly liable to confusion on this subject. Perhaps when we use language which indicates an opinion concerning the acts of the Will, we may mean little more than to express strongly and warmly the moral sentiments which voluntary acts alone call up. It would argue disrespect for the human understanding, vainly em-

ployed for so many centuries in reconciling contradictory opinions, to propose such suggestions without peculiar diffidence; but before they are altogether rejected, it may be well to consider, whether the constant success of the advocates of Necessity on one ground, and of the partisans of Free Will on another, does not seem to indicate that the two parties contemplate the subject from different points of view, that neither habitually sees more than one side of it, and that they look at it through the medium of different states of mind.

It should be remembered that these hints of a possible reconciliation between seemingly repugnant opinions are proposed, not as perfect analogies, but to lead men's minds into the inquiry, whether that which certainly befalls the mind, in many cases on a small scale, may not, under circumstances favourable to its development, occur with greater magnitude and more important consequences. The coward and brave man, as has been stated, act differently at the approach of danger, because it produces exertion in the one, and fear in the other. But very brave men must, by force of the term, be few: they have little aid in their highest acts, therefore, from fellow-feeling. They are often too obscure for the hope of praise; and they have seldom been trained to cultivate courage as a virtue. The very reverse occurs in the different view taken by the Understanding and by Conscience, of the nature of voluntary actions. The conscientious view must, in some degree, present itself to all mankind; it is therefore unspeakably strengthened by general sympathy. All men respect themselves for being habitually guided by it: it is the object of general commendation; and moral discipline has no other aim but its cultivation. Whoever does not feel more pain from his crimes than from his misfortunes, is looked on with general aversion. And when it is considered that a Being of perfect wisdom and goodness estimates us according to the degree in

which Conscience governs our voluntary acts, it is surely no wonder that, in this most important discrepancy between the great faculties of our nature, we should consider the best habitual disposition to be that which the coldest Reason shows us to be most conducive to well-doing and well-being.

On every other point, at least, it would seem that, without the multiplied suppositions and immense apparatus of the German school, the authority of Morality may be vindicated, the disinterestedness of human nature asserted, the first principles of knowledge secured, and the hopes and consolations of mankind preserved. Ages may yet be necessary to give to ethical theory all the forms and language of a science, and to apply it to the multiplied and complicated facts and rules which are within its province. In the mean time, if the opinions here unfolded, or intimated, shall be proved to be at variance with the reality of social affections, and with the feeling of moral distinction, the author of this Dissertation will be the first to relinquish a theory which will then show itself inadequate to explain the most indisputable, as well as by far the most important, parts of human nature. If it shall be shown to lower the character of Man, to cloud his hopes, or to impair his sense of duty, he will be grateful to those who may point out his error, and deliver him from the poignant regret of adopting opinions which lead to consequences so pernicious.

NOTES AND ILLUSTRATIONS.

Note A. page 32.

The remarks of Cicero on the Stoicism of Cato are perhaps the most perfect specimen of that refined raillery which attains the object of the orator without general injustice to the person whose authority is for the moment to be abated:—

"Accessit his tot doctrina non moderata, nec mitis, sed, ut mihi videtur, paulo asperior et durior quam aut veritas aut natura patiatur." After an enumeration of the Stoical paradoxes, he adds: "Hæc homo ingeniosissimus, M. Cato, auctoribus eruditissimis inductus, arripuit; neque disputandi causa, ut magna pars, sed ita vivendi. . . . Nostri autem isti (fatebor enim, Cato, me quoque in adolescentia diffisum ingenio meo quæsisse adjumenta doctrinæ) nostri, inquam, illi a Platone atque Aristotele moderati homines et temperati aiunt apud sapientem valere aliquando gratiam; viri boni esse misereri; . . . omnes virtutes mediocritate quadam esse moderatas. Hos ad magistros si qua te fortuna, Cato, cum ista natura detulisset, non tu quidem vir melior esses, nec fortior, nec temperantior, nec justior (neque enim esse potes), sed paulo ad lenitatem propensior."—*Pro Murena.* —Cap. xxix — xxxi.

Note B. page 39.

The greater part of the following extract from Grotius's History of the Netherlands is inserted as the best abridgment of the ancient history of these still subsisting controversies known in our time. I extract also the introduction as a model of the manner in which an historian may state a religious dispute which has influenced political affairs; but far more because it is an unparalleled example of equity and forbearance in the narrative of a contest of which the historian was himself a victim:—

"Habuit hic annus (1608) haud spernendi quoque mali semina, vix ut arma desierant, exorto publicæ religionis dissidio, latentibus initiis, sed ut paulatim in majus erumperet. Lugduni sacras literas docebant viri eruditione præstantes Gomarus et Arminius; quorum ille æternâ Dei lege fixum memorabat, cui hominum salus destinaretur, quis in exitium tenderet; inde alios ad pietatem trahi, et tractos custodiri ne elabantur; relinqui alios communi humanitatis vitio et suis criminibus involutos: hic vero contrà integrum judicem, sed eundem optimum patrem, id reorum fecisse discrimen, ut peccandi pertæsis fiduciamque in Christum reponentibus veniam ac vitam daret, contumacibus pœnam; Deoque gratum, ut omnes resipiscant, ac meliora edocti retineant; sed cogi neminem. Accusabantque invicem; Arminius Gomarum, quod peccandi causas Deo ascriberet, ac fati persuasione teneret immobiles animos; Gomarus Arminium, quod longius ipsis Romanensium scitis hominem arrogantiâ impleret, *nec pateretur soli Deo acceptam ferri, rem maximam, bonam mentem.* Constat his queis cura legere veterum libros, antiquos Christianorum tribuisse hominum voluntati vim liberam, tam in acceptandâ, quam in retinendâ disciplinâ; unde sua præmiis ac suppliciis æquitas. Neque iidem tamen omisere cuncta divinam ad bonitatem referre, cujus munere salutare semen ad nos pervenisset, ac cujus singulari auxilio pericula nostra indigerent. Primus omnium Augustinus, ex quo ipsi cum Pelagio et eum secutis certamen (*nam ante aliter et ipse senseret*), acer disputandi, ita libertatis vocem relinquere, ut ei decreta quædam Dei præponeret, quæ vim ipsam destruere viderentur. At per Græciam quidem Asiamque retenta vetus illa ac simplicior sententia. Per Occidentem magnum Augustini nomen multos traxit in consensum, repertis tamen per Galliam et alibi qui se opponerent, posterioribus sæculis, cum schola non alio magis quam Augustino doctore uteretur, quis ipsi sensus, quis dexter pugnare visa conciliandi modus, diu inter Francisci et Dominici familiam disputato, doctissimi Jesuitarum, cum exactiori subtilitate nodum solvere laborassent, Romæ accusati ægrè damnationem effugere. At Protestantium princeps, Lutherus, egressus monasterio quod Augustini ut nomen, ita sensus sequebatur, parte Augustini arreptâ, id quod is reliquerat, libertatis nomen, cœpit exscindere; quod tam grave Erasmo visum, ut cum cætera ipsius aut probaret aut silentio transmitteret, hic objiciat sese: cujus

argumentis motus Philippus Melanchthon, Lutheri adjutor, quæ prius scripserat immutavit, auctorque fuit Luthero, quod multi volunt, certe quod constat Lutheranis, deserendi decreta rigida et conditionem respuentia; sic tamen ut libertatis vocabulum quam rem magis perhorrescerent. At in alterâ Protestantium parte dux Calvinus, primis Lutheri dictis in hac controversiâ inhærescens, novis ea fulsit præsidiis, *addiditque intactum Augustino, veram ac salutarem fidem rem esse perpetuam et amitti nesciam:* cujus proinde qui sibi essent conscii, eos æternæ felicitatis jam nunc certos esse, quos interim in crimina, quantumvis gravia, prolabi posse non diffitebatur. Auxit sententiæ rigorem Genevæ Beza, per Germaniam Zanchius, Ursinus, Piscator, sæpe eo usque provecti, ut, quod alii anxiè vitaverant, apertius nonnunquam traderent, etiam peccandi necessitatem a primâ causâ pendere: quæ ampla Lutheranis criminandi materia." —Lib. xvii. p. 552.

Note C. page 40.

The Calvinism, or rather Augustinianism, of Aquinas is placed beyond all doubt by the following passages:—"Prædestinatio est causa gratiæ et gloriæ."—Opera (Paris, 1664), vol. vii. p. 356. "Numerus prædestinatorum certus est." —p. 363. "Præscientia meritorum nullo modo est causa prædestinationis divinæ." —p. 370. "Liberum arbitrium est facultas quâ bonum eligitur, gratiâ assistente, vel malum, eâdem desistente."—vol. viii. p. 222. "Deus inclinat ad bonum administrando virtutem agendi et monendo ad bonum. Sed ad malum dicitur inclinare in quantum gratiam non præbet, per quam aliquis a malo retraheretur." —p. 364. On the other side: "Accipitur fides pro eo quo creditur, et est virtus, et pro eo quod creditur, et non est virtus. Fides quâ creditur, si cum caritate sit, virtus est." —vol. ix. p. 236. "Divina bonitas est primum principium communicationis totius quam Deus creaturis largitur." "Quamvis omne quod Deus vult justum sit, non tamen ex hoc justum dicitur quod Deus illud vult."—p. 697.

Note D. page 41.

The Augustinian doctrine is, with some hesitation and reluctance, acquiesced in by Scotus, in that milder form

which ascribes election to an express decree, and considers the rest of mankind as only left to the deserved penalties of their transgressions. "In hujus quæstionis solutione mallem alios audire quam docere."—Opera, Lugd. 1639, vol. v. p. 1329. This modesty and prudence is foreign to the dogmatical genius of a Schoolman; and these qualities are still more apparent in the very remarkable language which he applies to the tremendous doctrine of reprobation. "Eorum autem non miseretur (scil. Deus) *quibus gratiam non præbendam esse æquitate occultissimâ et ab humanis sensibus remotissimâ judicat.*—p. 1329. In the commentary on Scotus which follows, it appears that his acute disciple Ockham disputed very freely against the opinions of his master. "*Mala fieri bonum est*" is a startling paradox, quoted by Scotus from Augustin.—p. 1381. It appears that Ockham saw no difference between election and reprobation, and considered those who embraced only the former as at variance with themselves.—p. 1313. Scotus, at great length, contends that our thoughts (consequently our opinions) are not subject to the will.—vol. vi. pp. 1054—1056. One step more would have led him to acknowledge that all erroneous judgment is involuntary, and therefore inculpable and unpunishable, however pernicious. His attempt to reconcile foreknowledge with contingency (vol. v. pp. 1300—1327), is a remarkable example of the power of human subtlety to keep up the appearance of a struggle where it is impossible to make one real effort. But the most dangerous of all the deviations of Scotus from the system of Aquinas is, that he opened the way to the opinion that the distinction of right and wrong depends on the mere will of the Eternal Mind. The absolute power of the Deity, according to him, extends to all but contradictions. His regular power (*ordinata*) is exercised conformably to an order established by himself: "si placet voluntati, sub quâ libera est, recta est lex."—p. 1358. *et seq.*

Note E. page 41.

Ἀλλὰ μὴν ψυχήν γε ἴσμεν ἄκουσαν πᾶσαν πᾶν ἀγνοοῦσαν. Plat. Op. (Bipont. 1781) vol. ii. p. 224.—Πᾶσαν ἀκουσιον ἀμαθίαν ειναι.—p. 227. Plato is quoted on this subject by Marcus Aurelius, in a manner which shows, if there had been any doubt, the meaning to be, that all *error* is involun-

tary. Πᾶσα ψυχὴ ἄκουσα στερεῖται τῆς ἀληθείας, ὡς λέγει Πλάτων. Every mind is unwillingly led from truth. — Epict. Dissert. lib. i. cap. xxviii. Augustin closes the long line of ancient testimony to the involuntary character of error: "Quis est qui velit decipi? Fallere nolunt boni; falli autem nec boni volunt nec mali."— Sermo de Verbo.

Note F. page 42.

From a long, able, and instructive dissertation by the commentator on Scotus, it appears that this immoral dogma was propounded in terms more bold and startling by Ockham, who openly affirmed, that "moral evil was only evil because it was prohibited." "— Ochamus, qui putat quod nihil posset esse malum sine voluntate prohibitiva Dei, hancque voluntatem esse liberam; sic ut posset eam non habere, et consequenter ut posset fieri quod nulla prorsus essent mala." — Scot. Op. vol vii. p. 859. But, says the commentator, "Dico primo legem naturalem non consistere in jussione ullâ quæ sit actus voluntatis Dei. Hæc est communissima theologorum sententia." — p. 858. And indeed the reason urged against Ockham completely justifies this approach to unanimity. "For," he asks, "why is it right to obey the will of God? Is it because our moral faculties perceive it to be right? But they equally perceive and feel the authority of all the primary principles of morality; and if this answer be made, it is obvious that those who make it do in effect admit the independence of moral distinctions on the will of God." "If God," said Ockham, "had commanded his creatures to hate himself, hatred of God would have been praiseworthy." — Domin. Soto de Justitiâ et Jure, lib. ii. quæst. 3. "*Utrum præcepta Decalogi sint dispensabilia;*" — a book dedicated to Don Carlos, the son of Philip II. Suarez, the last scholastic philosopher, rejected the Ockhamical doctrine, but allowed will to be a *part* of the foundation of Morality. "Voluntas Dei non est *tota* ratio bonitatis aut malitiæ. — De Legibus (Lond. 1679), p. 71. As the great majority of the Schoolmen supported their opinion of this subject by the consideration of eternal and immutable ideas of right and wrong in the Divine Intellect, it was natural that the Nominalists, of whom Ockham was the founder, who rejected all general ideas, should also have rejected those moral distinctions which were then supposed

to originate in such ideas. Gerson was a celebrated Nominalist; and he was the more disposed to follow the opinions of his master because they agreed in maintaining the independence of the State on the Church, and the superiority of the Church over the Pope.

Note G. page 43.

It must be premised that *Charitas* among the ancient divines corresponded with Ερως of the Platonists, and with the φιλία of later philosophers, as comprehending the love of all that is loveworthy in the Creator or his creatures. It is the theological virtue of charity, and corresponds with no term in use among modern moralists. "Cum objectum amoris sit bonum, dupliciter potest aliquis tendere in bonum alicujus rei; uno modo, quod bonum *illius rei ad alterum referat*, sicut amat quis vinum in quantum dulcedinem vini peroptat; et hic amor vocatur a quibusdam amor concupiscentiæ. *Amor autem iste non terminatur ad rem quæ dicitur amari, sed reflectitur ad rem illam cui optatur bonum illius rei.* Alio modo amor fortior in bonum alicujus rei, *ita quod ad rem ipsam terminatur;* et hic est amor benevolentiæ. Quâ bonum nostrum in Deo perfectum est, sicut in causâ universali bonorum; ideo bonum in ipso esse magis naturaliter complacet quam in nobis ipsis: et ideo etiam amore amicitiæ naturaliter Deus ab homine plus seipso diligitur." The above quotations from Aquinas will probably be sufficient for those who are acquainted with these questions, and they will certainly be thought too large by those who are not. In the next question he inquires, whether in the love of God there can be any view to reward. He appears to consider himself as bound by authority to answer in the affirmative; and he employs much ingenuity in reconciling a certain expectation of reward with the disinterested character ascribed by him to piety in common with all the affections which terminate in other beings. "*Nihil aliud est merces nostra quam perfrui Deo.* Ergo charitas non solum non excludit, sed etiam facit habere oculum ad mercedem." In this answer he seems to have anticipated the representations of Jeremy Taylor (Sermon on Growth in Grace), of Lord Shaftesbury (Inquiry concerning Virtue, book i. part iii. sect. 3.), of Mr. T. Erskine (Freeness of the Gospel, Edin. 1828), and more especially of Mr. John Smith (Discourses,

Lond. 1660). No extracts could convey a just conception of the observations which follow, unless they were accompanied by a longer examination of the technical language of the Schoolmen than would be warranted on this occasion. It is clear that he distinguishes well the affection of piety from the happy fruits, which, as he cautiously expresses it, "are in the nature of a reward;"—just as the consideration of the pleasures and advantages of friendship may enter into the affection and strengthen it, though they are not its objects, and never could inspire such a feeling. It seems to me also that he had a dimmer view of another doctrine, by which we are taught, that though our own happiness be not the end which we pursue in loving others, yet it may be the final cause of the insertion of disinterested affections into the nature of man. "Ponere mercedem aliquam finem amoris ex parte amati, est contra rationem amicitiæ. Sed ponere mercedem esse finem amoris ex parte amantis, non tamen ultimam, prout scilicet ipse amor est quædam operatio amantis, non est contra rationem amicitiæ. Possum operationem amoris amare propter aliquid aliud, salvâ amicitiâ. *Potest habeas charitatem habere oculum ad mercedem, uti ponat beatitudinem creatam finem amoris, non autem finem amati.*" Upon the last words my interpretation chiefly depends. The immediately preceding sentence must be owned to have been founded on a distinction between viewing the good fruits of our own affections as enhancing their intrinsic pleasures, and feeling love for another on account of the advantage to be derived from him; which last is inconceivable.

Note H. page 43.

"Potestas spiritualis et secularis utraque deducitur a potestate divinâ; ideo in tantum secularis est sub spirituali, in quantum est a Deo supposita; scilicet, in his quæ ad salutem animæ pertinent. In his autem quæ ad bonum civile spectant, est magis obediendum potestati seculari; sicut illud Matthæi, 'Reddite quæ sunt Cæsaris Cæsari.'" What follows is more doubtful. "... Nisi *fortè* potestati spirituali etiam potestas secularis conjungatur, ut in Papa, qui utriusque potestatis apicem tenet."—Op. vol. viii. p. 435. Here, says the French editor, it may be doubted whether Aquinas means the Pope's temporal power in his

own dominions, or a secular authority indirectly extending over all for the sake of religion. My reasons for adopting the more rational construction are shortly these: — 1. The text of Matthew is so plain an assertion of the independence of both powers, that it would be the height of extravagance to quote it as an *authority* for the dependence of the state. At most it could only be represented as *reconcilable* with such a dependence in one case. 2. The word '*forte*' seems manifestly to refer to the territorial sovereignty acquired by the Popes. If they have a general power in secular affairs, it must be because it is necessary to their spiritual authority; and in that case to call it fortuitous would be to ascribe to it an adjunct destructive of its nature. 3. His former reasoning on the same question seems to be decisive. The power of the Pope over bishops, he says, is not founded merely in his superior nature, but in their authority being altogether derived from his, as the proconsular power from the imperial. Therefore he infers that this case is not analogous to the relation between the civil and spiritual power, which are alike derived from God. 4. Had an Italian monk of the twelfth century really intended to affirm the Pope's temporal authority, he probably would have laid it down in terms more explicit and more acceptable at Rome. Hesitation and ambiguity are here indications of unbelief. Mere veneration for the apostolical see might present a more precise determination against it, as it caused the quotation which follows, respecting the primacy of Peter. — A mere abridgement of these very curious passages might excite a suspicion that I had tinctured Aquinas unconsciously with a colour of my own opinions. Extracts are very difficult, from the scholastic method of stating objections and answers, as well as from the mixture of theological authorities with philosophical reasons.

Note I. page 46.

The debates in the first assembly of the Council of Trent (A.D. 1546) between the Dominicans who adhered to Aquinas, and the Franciscans who followed Scotus on original sin, justification, and grace, are to be found in Fra Paolo (Istoria del Concilio Tridentino, lib. ii.). They show how much metaphysical controversy is hid in a theological form; how many disputes of our times are of no very ancient origin,

and how strongly the whole Western Church, through all the divisions into which it has been separated, has manifested the same unwillingness to avow the Augustinian system, and the same fear of contradicting it. To his admirably clear and short statement of these abstruse controversies, must be added that of his accomplished opponent Cardinal Pallavicino (Istoria, &c. lib. vii. et viii.), who shows still more evidently the strength of the Augustinian party, and the disposition of the Council to tolerate opinions almost Lutheran, if not accompanied by revolt from the Church. A little more compromising disposition in the Reformers might have betrayed reason to a prolonged thraldom. We must esteem Erasmus and Melanchthon, but we should reserve our gratitude for Luther and Calvin. The Scotists maintained their doctrine of merit of congruity, waived by the Council, and soon after condemned by the Church of England; by which they meant that they who had good dispositions always received the Divine grace, not indeed as a reward of which they were worthy, but as aid which they were fit and willing to receive. The Franciscans denied that belief was in the power of man. "I Francescani lo negavano seguendo Scoto, qual vuole che siccome dalle dimostrazioni per necessità nasce la scienza, così dalle persuasioni nasca la fede; e ch' essa è nell' intelletto, il quale è agente naturale, e mosso naturalmente dall' oggetto. Allegavano l' esperienza, che nessuno può credere quello che vuole, ma quello che gli par vero."—Fra Paolo, Istoria, &c. (Helmstadt, 1763, 4to.), vol. i. p. 193. Cardinal Sforza Pallavicino, a learned and very able Jesuit, was appointed, according to his own account, in 1651, many years after the death of Fra Paolo, to write a true history of the Council of Trent, as a corrective of the misrepresentations of the celebrated Venetian. Algernon Sidney, who knew this court historian at Rome, and who may be believed when he speaks well of a Jesuit and a cardinal, commends the work in a letter to his father, Lord Leicester. At the end of Pallavicino's work is a list of three hundred and sixty errors in matters of fact, which the Papal party pretend to have detected in the independent historian, whom they charge with heresy or infidelity, and, in either case, with hypocrisy.

Note K. page 52.

"Hoc tempore, Ferdinando et Isabella regnantibus, in academiâ Salmantinâ jacta sunt robustioris theologiæ semina; ingentis enim famæ vir Franciscus de Victoria, non tam lucubrationibus editis, quamvis hæc non magnæ molis aut magni pretii sint, sed doctissimorum theologorum educatione, quamdiu fuerit sacræ scientiæ honos inter mortales, vehementer laudabitur." — Antonio, Bibliotheca Hispanica Nova, (Madrid, 1783,) in præf. "Si ad morum instructores respicias, Sotus iterum nominabitur."—*Ibid.*

Note L. page 52.

The title of the published account of the conference at Valladolid is, "The controversy between the Bishop of Chiapa and Dr. Sepulveda; in which the Doctor contended that the conquest of the Indies from the natives was lawful, and the Bishop maintained that it was unlawful, tyrannical, and unjust, in the presence of many theologians, lawyers, and other learned men assembled by his Majesty." Bibl. Hisp. Nova, tom. i. p. 192.

Las Casas died in 1566, in the 92d year of his age; Sepulveda died in 1571, in his 82d year. Sepulveda was the scholar of Pomponatius, and a friend of Erasmus, Cardinal Pole, Aldus Manutius, &c. In his book "De Justis Belli Causis contra Indos suscepti," he contended only that the king ought justly "ad ditionem Indos, non herilem sed regiam et civilem, lege belli redigere."—Antonio, *voce* Sepulveda, Bibl. Hisp. Nova, tom. i. p. 703. But this smooth and specious language concealed poison. Had it entirely prevailed, the cruel consequence of the defeat of the advocate of the oppressed would alone have remained; the limitations and softenings employed by their opponent to obtain success would have been speedily disregarded and forgotten. Covarruvias, another eminent Jurist, was sent by Philip II. to the Council of Trent, at its renewal in 1560, and, with Cardinal Buoncampagni, drew up the decrees of reformation. Francis Sanchez, the father of philosophical grammar, published his Minerva at Salamanca in 1587;—so active was the cultivation of philosophy in Spain in the age of Cervantes.

Note M. page 81.

"Alors en repassant dans mon esprit les diverses opinions qui m'avoient tour-à-tour entrainé depuis ma naissance, je vis que bien qu'aucune d'elles ne fût assez évidente pour produire immédiatement la conviction, elles avoient divers degrés de vraisemblance, et que l'assentiment intérieur s'y prêtoit ou s'y refusoit à différentes mesures. Sur cette première observation, comparant entr'elles toutes ces différentes idées dans le silence des préjugés, je trouvai que la première, et la plus commune, étoit aussi la plus simple et la plus raisonnable; et qu'il ne lui manquoit, pour réunir tous les suffrages, que d'avoir été proposée la dernière. Imaginez tous vos philosophes anciens et modernes, ayant d'abord épuisé leur bizarres systèmes de forces, de chances, de fatalité, de nécessité, d'atomes, de monde animé, de matière vivante, de matérialisme de toute espèce; et après eux tous l'illustre Clarke, éclairant le monde, annonçant enfin l'Etre des êtres, et le dispensateur des choses. Avec quelle universelle admiration, avec quel applaudissement unanime n'eût point été reçu ce nouveau système si grand, si consolant, si sublime, si propre à élever l'âme, à donner une base à la vertu, et en même tems si frappant, si lumineux, si simple, et, ce me semble, offrant moins de choses incompréhensibles à l'esprit humain, qu'il n'en trouve d'absurdes en tout autre système! Je me disois, les objections insolubles sont communes à tous, parceque l'esprit de l'homme est trop borné pour les résoudre; elles ne prouvent donc rien contre aucun par préférence: mais quelle différence entre les preuves directes!"—Rousseau, Œuvres. tome ix. p. 25.

Note N. pages 105, 106.

"Est autem *jus* quædam potentia moralis, et *obligatio* necessitas moralis. *Moralem* autem intelligo, quæ apud virum bonum æquipollet naturali: Nam et præclarè jurisconsultus Romanus ait, *quæ contra bonos mores sunt, ea nec facere nos posse credendum est. Vir bonus* autem est, qui amat omnes, quantum ratio permittit. *Justitiam* igitur, quæ virtus est hujus affectus rectrix, quem Φιλανθρωπίαν Græci vocant, commodissimè, ni fallor, definiemus caritatem sapientis, hoc est, sequentem sapientiæ dictata. Itaque,

quod *Carneades* dixisse fertur, justitiam esse summam stultitiam, quia alienis utilitatibus consuli jubeat, neglectis propriis, ex ignoratâ ejus definitione natum est. *Caritas* est benevolentia universalis, et *benevolentia* amandi sive diligendi habitus. *Amare* autem sive diligere est felicitate alterius delectari, vel, quod eodem redit, felicitatem alienam adsciscere in suam. Unde difficilis nodus solvitur, magni etiam in Theologia momenti, quomodo amor non mercenarius detur, qui sit a spe metuque et omni utilitatis respectu separatus: scilicet, quorum utilitas delectat, eorum felicitas nostram ingreditur; nam quæ delectant, per se expetuntur. Et uti pulchrorum contemplatio ipsa jucunda est, pictaque tabula *Raphaelis* intelligentem afficit, etsi nullos census ferat, adeo ut in oculis deliciisque feratur, quodam simulacro amoris; ita quum res pulchra simul etiam felicitatis est capax, transit affectus in verum amorem. Superat autem *divinus amor* alios amores, quos Deus cum maximo successu amare potest, quando Deo simul et felicius nihil est, et nihil pulchrius felicitateque dignius intelligi potest. Et quum idem sit potentiæ sapientiæque summæ, felicitas ejus non tantum ingreditur nostram (si sapimus, id est, ipsum amamus), sed et facit. Quia autem sapientia caritatem dirigere debet, hujus quoque definitione opus erit. Arbitror autem notioni hominum optimè satisfieri, si *sapientiam* nihil aliud esse dicamus, quam ipsam scientiam felicitatis."—Leibnitii Opera, vol. iv. pars iii. p. 294. "Et jus quidem merum sive strictum nascitur ex principio servandæ pacis; æquitas sive caritas ad majus aliquid contendit, ut, dum quisque alteri prodest, quantum potest, felicitatem suam augeat in aliena; et, ut verbo dicam, jus strictum miseriam vitat, jus superius ad felicitatem tendit, sed qualis in hanc mortalitatem cadit. Quod verò ipsam vitam, et quicquid hanc vitam expetendam facit, magno commodo alieno posthabere debeamus, ita ut maximos etiam dolores in aliorum gratiam perferre oporteat; magis pulchre præcipitur a philosophis quàm solidè demonstratur. Nam decus et gloriam, et animi sui virtute gaudentis sensum, ad quæ sub honestatis nomine provocant, cogitationis sive mentis bona esse constat, magna quidem, sed non omnibus, nec omni malorum acerbitati prævalitura, quando non omnes æquè imaginando afficiuntur; præsertim quos neque educatio liberalis, neque consuetudo vivendi ingenua, vel vitæ sectæve disciplina ad honoris æstimationem, vel animi bona sentienda assuefecit.

Ut verò universali demonstrationi conficiatur, omne honestum esse utile, et omne turpe damnosum, assumenda est immortalitas animæ, et rector universi Deus. Ita fit, ut omnes in civitate in perfectissima vivere intelligamur, sub monarcha, qui nec ob sapientiam falli, nec ob potentiam vitari potest; idemque tam amabilis est, ut felicitas sit tali domino servire. Huic igitur qui animam impendit, Christo docente, eam lucratur. Hujus potentia providentiaque efficitur, ut omne jus in factum transeat, ut nemo lædatur nisi a se ipso, ut nihil rectè gestum sine præmio sit, nullum peccatum sine pœna."—p. 296.

Note O. page 110.

The writer of this Discourse was led, on a former occasion, by a generally prevalent notion, to confound the theological doctrine of Predestination with the philosophical opinion which supposes the determination of the Will to be, like other events, produced by adequate causes. (See a criticism on Mr. Stewart's Dissertation, Edinb. Review, vol. xxxvi. p. 225.) More careful reflection has corrected a confusion common to him with most writers on the subject. What is called "Sublapsarian Calvinism," which was the doctrine of the most eminent men, including Augustin and Calvin himself, ascribed to God, and to man before the Fall, what is called "free-will," which they even own still to exist in all the ordinary acts of life, though it be lost with respect to religious morality. The decree of election, on this scheme, arises from God's foreknowledge that man was to fall, and that all men became thereby with justice liable to eternal punishment. The election of some to salvation was an act of Divine goodness, and the preterition of the rest was an exercise of holiness and justice. This Sublapsarian predestination is evidently irreconcilable with the doctrine of Necessity, which considers free-will, or volitions not caused by motives, as absolutely inconsistent with the definition of an intelligent being,—which is, that he acts from a motive, or, in other words, with a purpose. The Supralapsarian scheme, which represents the Fall itself as foreordained, may indeed be built on necessitarian principles. But on that scheme original sin seems wholly to lose that importance which the former system gives it as a revolution in the state of the world, requiring an interposition of Divine

power to remedy a part of its fatal effects. It becomes no more than the first link in the chain of predestined offences. Yet both Catholic and Protestant predestinarians have borrowed the arguments and distinctions of philosophical necessitarians. One of the propositions of Jansenius, condemned by the bull of Innocent X. in 1653, is, that "to merit or demerit in a state of lapsed nature, it is not necessary that there should be in man a liberty free from necessity; it is sufficient that there be a liberty free from constraint."—Dupin, Histoire de l'Eglise en abrégé, livre iv. chap. viii. Luther, in his once famous treatise De Servo Arbitrio against Erasmus (printed in 1526), expresses himself as follows: "Hic est fidei summus gradus, credere illum esse clementem qui tam paucos salvat, tam multos damnat; credere justum qui suâ voluntate nos necessario damnabiles facit, ut videatur, ut Erasmus refert, delectari cruciatibus miserorum, et odio potius quam amore dignus." (My copy of this stern and abusive book is not paged.) In another passage, he states the distinction between coaction and necessity as familiar a hundred and thirty years before it was proposed by Hobbes, or condemned in the Jansenists. "Necessario dico, non coactè, sed, ut illi dicunt, necessitate immutabilitatis, non coactionis; hoc est, homo, cum vocat Spiritus Dei, non quidem violentiâ, velut raptus obtorto collo, nolens facit malum, quemadmodum fur aut latro nolens ad pœnam ducitur, sed sponte et liberâ voluntate facit." He uses also the illustration of Hobbes, from the difference between a stream *forced* out of its course and *freely* flowing in its channel.

[The following is the whole of the passage in the Edinburgh Review referred to above: the reader, while bearing in mind the modification of opinion there announced, may still find sufficient interest in the general statement of the argument, to justify its admission here.—Ed.]

"... It would be inexcusable to revive the mention of such a controversy as that which relates to Liberty and Necessity, for any other purpose than to inculcate mutual candour, and to censure the introduction of invidious topics. If there were any hope of terminating that endless and fruitless controversy, the most promising expedient would be a general agreement to banish the technical terms hitherto employed on both sides from philosophy, and to limit ourselves rigorously to a statement of those facts in which

all men agree, expressed in language perfectly purified from all tincture of system. The agreement in facts would then probably be found to be much more extensive than is often suspected by either party. Experience is, and indeed must be, equally appealed to by both. All mankind feel and own, that their actions are at least very much affected by their situation, their opinions, their feelings, and their habits; yet no man would deserve the compliment of confutation, who seriously professed to doubt the distinction between right and wrong, the reasonableness of moral approbation and disapprobation, the propriety of praising and censuring voluntary actions, and the justice of rewarding or punishing them according to their intention and tendency. No reasonable person, in whatever terms he may express himself concerning the Will, has ever meant to deny that man has powers and faculties which justify the moral judgments of the human race. Every advocate of Free Will admits the fact of the influence of motives, from which the Necessarian infers the truth of his opinion. Every Necessarian must also admit those attributes of moral and responsible agency, for the sake of which the advocate of Liberty considers his own doctrine as of such unspeakable importance. Both parties ought equally to own, that the matter in dispute is a question of fact relating to the mind, which must be ultimately decided by its own consciousness. The Necessarian is even bound to admit, that no speculation is tenable on this subject, which is not reconcilable to the general opinions of mankind, and which does not afford a satisfactory explanation of that part of common language which at first sight appears to be most at variance with it.

"After the actual antecedents of volition had been thus admitted by one party, and its moral consequences by another, the subject of contention would be reduced to the question, —What is the state of the mind in the interval which passes between motive and action? or, to speak with still more strict propriety, By what words is that state of the mind most accurately described? If this habit of thinking could be steadily and long preserved, so evanescent a subject of dispute might perhaps in the end disappear, and the contending parties might at length discover that they had been only looking at opposite sides of the same truth. But the terms 'Liberty' and 'Necessity' embroil the controversy, inflame the temper of disputants, and involve them in clouds of angry

zeal, which render them incapable not only of perceiving their numerous and important coincidences, but even of clearly discerning the single point in which they differ. Every generous sentiment, and every hostile passion of human nature, have for ages been connected with these two words. They are the badges of the oldest, the widest, and the most obstinate warfare waged by metaphysicians. Whoever refuses to try the experiment of renouncing them, at least for a time, can neither be a peace-maker nor a friend of dispassionate discussion; and, if he stickles for mere words, he may be justly suspected of being almost aware that he is contending for nothing but words.

"But if projects of perpetual peace should be as Utopian in the schools as in the world, it is the more necessary to condemn the use of weapons which exasperate animosity, without contributing to decide the contest. Of this nature, in our opinion, are the imputations of irreligion and immorality which have for ages been thrown on those divines and philosophers who have espoused Necessarian opinions. Mr. Stewart, though he anxiously acquits individuals of evil intention, has too much lent the weight of his respectable opinion to these useless and inflammatory charges. We are at a loss to conceive how he could imagine that there is the slightest connexion between the doctrine of Necessity and the system of Spinoza. That the world is governed by a Supreme Mind, which is invariably influenced by the dictates of its own wisdom and goodness, seems to be the very essence of theism; and no man who substantially dissents from that proposition, can deserve the name of a pure theist. But this is precisely the reverse of the doctrine of Spinoza, which, in spite of all its ingenious disguises, undoubtedly denies the supremacy of mind. This objection, however, has already been answered, not only by the pious and profound Jonathan Edwards (Inquiry, part iv. chap. 7.), an avowed Necessarian, but by Mr. Locke (whose opinions, however, about this question are not very distinct), and even by Dr. Clarke himself, the ablest and most celebrated of the advocates of liberty. (Demonstration of the Being and Attributes of God.)

"The charge of immoral tendency, however, deserves more serious consideration, as it has been repeatedly enforced by Mr. Stewart, and brought forward also by Dr. Copplestone *

* Afterwards Bishop of Llandaff.—Ed.

Whately, Lond. 1831.—the only writer of our time who has equally distinguished himself in paths so distant from each other as classical literature, political economy, and metaphysical philosophy. His general candour and temperance give weight to his accusation: and it is likely to be transmitted to posterity by a volume, which is one of the best models of philosophical style that our age has produced,—a Sermon of Archbishop King, republished by Mr. Whately*, an ingenious and learned member of Oriel College. The Sermons of Dr. Copplestone do indeed directly relate to theology: but in this case, it is impossible to separate that subject from philosophy. Necessity is a philosophical opinion relating to the human will: Predestination is a theological doctrine, concerning the moral government of the world. But since the writings of Leibnitz and Jonathan Edwards, the supporters of Predestination endeavour to show its reasonableness by the arguments of the Necessarian. It is possible, and indeed very common, to hold the doctrine of Necessity, without adopting many of the dogmas which the Calvinist connects with it: but it is not possible to make any argumentative defence of Calvinism, which is not founded on the principle of Necessity. The moral consequences of both (whatever they may be) must be the same: and both opinions are, accordingly, represented by their opponents as tending, in a manner very similar, to weaken the motives to virtuous action.

There is no topic which requires such strong grounds to justify its admission into controversy, as that of moral consequences: for, besides its incurable tendency to inflame the angry passions, and to excite obloquy against individuals, which renders it a practical restraint on free inquiry, the employment of it in dispute seems to betray apprehensions derogatory from the dignity of Morals, and not consonant either to the dictates of Reason or to the lessons of experience. The rules of Morality are too deeply rooted in human nature, to be shaken by every veering breath of metaphysical theory. Our Moral Sentiments spring from no theory: they are as general as any part of our nature; the causes which generate, or unfold and nourish them, lie deep in the unalterable interests of society, and in those primitive feelings of the human heart which no circum-

* Afterwards Archbishop of Dublin.—Ed.

stances can eradicate. The experience of all ages teaches, that these deep-rooted principles are far less affected than is commonly supposed, by the revolutions of philosophical opinion, which scarcely penetrate beyond the surface of human nature. Exceptions there doubtless are: the most speculative opinions are not pretended to be absolutely indifferent in their moral tendency; and it is needless to make an express exception of those opinions which directly relate to practice, and which may have a considerable moral effect. But, in general, the power of the moral feelings, and the feebleness of speculative opinions, are among the most striking phenomena in the history of mankind. What teacher, either philosophical or religious, has ever been successful in spreading his doctrines, who did not reconcile them to our moral sentiments, and even recommend them by pretensions to a purer and more severe morality? Wherever there is a seeming or a real repugnance between speculative opinions and moral rules, the speculator has always been compelled to devise some compromise which, with whatever sacrifice of consistency, may appease the alarmed conscience of mankind. The favour of a few is too often earned by flattering their vicious passions; but no immoral system ever acquired popularity. Wherever there is a contest, the speculations yield, and the principles prevail. The victory is equally decisive, whether the obnoxious doctrine be renounced, or so modified as no longer to dispute the legitimate authority of Conscience.

"Nature has provided other guards for Virtue against the revolt of sophistry and the inconstancy of opinion. The whole system of morality is of great extent, and comprehends a variety of principles and sentiments, — of duties and virtues. Wherever new and singular speculation has been at first sight thought to weaken some of the motives of moral activity, it has almost uniformly been found, by longer experience, that the same speculation itself makes amends by strengthening other inducements to right conduct. There is thus a principle of compensation in the opinions, as in the circumstances of man: which, though not sufficient to level distinction and to exclude preference, has yet such power, that it ought to appease our alarms, and to soften our controversies. A moral nature assimilates every speculation which it does not reject. If these general reasonings be just, with what increased force do they prove the innocence

of error, in a case where, as there seems to be no possibility of difference about facts, the mistake of either party must be little more than verbal!

"We have much more ample experience respecting the practical tendency of religious than of philosophical opinions. The latter were formerly confined to the schools, and are still limited to persons of some education. They are generally kept apart from our passions and our business, and are entertained, as Cicero said of the Stoical paradoxes, 'more as a subject of dispute than as a rule of life.' Religious opinions, on the contrary, are spread over ages and nations; they are felt perhaps most strongly by the more numerous classes of mankind; wherever they are sincerely entertained, they must be regarded as the most serious of all concerns; they are often incorporated with the warmest passions of which the human heart is capable; and, in this state, from their eminently social and sympathetic nature, they are capable of becoming the ruling principle of action in vast multitudes. Let us therefore appeal to experience, on the moral influence of Necessarian opinions in their theological form. By doing so, we shall have an opportunity of contemplating the principle in its most active state, operating upon the greatest masses, and for the longest time. Predestination, or doctrines much inclining towards it, have, on the whole, prevailed in the Christian churches of the West since the days of Augustine and Aquinas. Who were the first formidable opponents of these doctrines in the Church of Rome? The Jesuits—the contrivers of courtly casuistry, and the founders of lax morality. Who, in the same church, inclined to the stern theology of Augustine? The Jansenists—the teachers and the models of austere morals. What are we to think of the morality of Calvinistic nations, especially of the most numerous classes of them, who seem, beyond all other men, to be most zealously attached to their religion, and most deeply penetrated with its spirit? Here, if any where, we have a practical and a decisive test of the moral influence of a belief in Necessarian opinions. In Protestant Switzerland, in Holland, in Scotland, among the English Nonconformists, and the Protestants of the north of Ireland, in the New-England States, Calvinism long was the prevalent faith, and is probably still the faith of a considerable majority. Their moral education was at least completed, and their collective character formed, during the prevalence

of Calvinistic opinions. Yet where are communities to be found of a more pure and active virtue? Perhaps these and other very striking facts, might justify speculations of a somewhat singular nature, and even authorise a retort upon our respectable antagonists. But we have no such purpose. It is sufficient for us to do what in us lies to mitigate the acrimony of controversy, to teach disputants on both sides to respect the sacred neutrality of Morals, and to show that the provident and parental care of Nature has sufficiently provided for the permanent security of the principles of Virtue.

"If we were to amuse ourselves in remarks on the practical tendency of opinions, we might with some plausibility contend, that there was a tendency in infidelity to produce Toryism. In England alone, we might appeal to the examples of Hobbes, Bolingbroke, Hume, and Gibbon; and to the opposite cases of Milton, Locke, Addison, Clarke, and even Newton himself; for the last of these great men was also a Whig. The only remarkable example which now occurs to us of a zealous believer who was a bigoted Tory, is that of Dr. Johnson; and we may balance against him the whole, or the greater part of the life of his illustrious friend, Mr. Burke. We would not, however, rest much on observations founded on so small an experience, that the facts may arise from causes wholly independent of the opinion. But another unnoticed coincidence may serve as an introduction to a few observations on the scepticism of the eighteenth century.

"The three most celebrated sceptics of modern times have been zealous partisans of high authority in government. It would be rash to infer, from the remarkable examples of this coincidence, in Montaigne, Bayle, and Hume, that there is a natural connection between scepticism and Toryism; or, even, if there were a tendency to such a connection, that it might not be counteracted by more powerful circumstances, or by stronger principles of human nature. It is more worth while, therefore, to consider the particulars in the history of these three eminent persons, which may have strengthened or created this propensity.

"Montaigne, who was methodical in nothing, does not indeed profess systematic scepticism. He was a freethinker who loosened the ground about received opinions, and indulged his humour in arguing on both sides of most questions,

But the sceptical tendency of his writings is evident; and there is perhaps nowhere to be found a more vigorous attack on popular innovations, than in the latter part of the 22d Essay of his first book. But there is no need of any general speculations to account for the repugnance to change, felt by a man who was wearied and exasperated by the horrors of forty years' civil war.

"The case of Bayle is more remarkable. Though banished from France as a Protestant, he published, without his name, a tract, entitled, 'Advice to the Refugees,' in the year 1690, which could be considered in no other light than that of an apology for Louis XIV., an attack on the Protestant cause, and a severe invective against his companions in exile. He declares, in this unavowed work, for absolute power and passive obedience, and inveighs, with an intemperance scarcely ever found in his avowed writings, against 'the execrable doctrines of Buchanan,' and the 'pretended sovereignty of the people,' without sparing even the just and glorious Revolution, which had at that moment preserved the constitution of England, the Protestant religion, and the independence of Europe. It is no wonder, therefore, that he was considered as a partisan of France, and a traitor to the Protestant cause; nor can we much blame King William for regarding him as an object of jealous policy. Many years after, he was represented to Lord Sunderland as an enemy of the Allies, and a detractor of their great captain, the Duke of Marlborough. The generous friendship of the illustrious author of the Characteristics, — the opponent of Bayle on almost every question of philosophy, government, and, we may add, religion, — preserved him, on that occasion, from the sad necessity of seeking a new place of refuge in the very year of his death. The vexations which Bayle underwent in Holland from the Calvinist ministers, and his long warfare against their leader Jurieu, who was a zealous assertor of popular opinions, may have given this bias to his mind, and disposed him to 'fly from petty tyrants to the throne.' His love of paradox may have had its share; for passive obedience was considered as a most obnoxious paradox in the schools and societies of the oppressed Calvinists. His enemies, however, did not fail to impute his conduct to a design of paying his court to Louis XIV., and to the hope of being received with open arms in France; — motives which seem to be at variance both with

the general integrity of his life, and with his favourite passion for the free indulgence of philosophical speculation. The scepticism of Bayle must, however, be distinguished from that of Hume. The former of these celebrated writers examined many questions in succession, and laboured to show that doubt was, on all of them, the result of examination. His, therefore, is a sort of inductive scepticism, in which general doubt was an inference from numerous examples of uncertainty in particular cases. It is a kind of appeal to experience, whether so many failures in the search of truth ought not to deter wise men from continuing the pursuit. Content with proving, or seeming to himself to prove, that we have not attained certainty, he does not attempt to prove that we *cannot* reach it.

"The doctrine of Mr. Hume, on the other hand, is not that we have not reached truth, but that we never can reach it. It is an absolute and universal system of scepticism, professing to be derived from the very structure of the Understanding, which, if any man could seriously believe it, would render it impossible for him to form an opinion upon any subject,—to give the faintest assent to any proposition,—to ascribe any meaning to the words 'truth' and 'falsehood,'—to believe, to inquire, or to reason, and, on the very same ground, to disbelieve, to dissent, or to doubt,—to adhere to his own principle of universal doubt, and, lastly, if he be consistent with himself, even to *think*. It is not easy to believe that speculations so shadowy, which never can pretend to be more than the amusements of idle ingenuity, should have any influence on the opinions of men of great understanding, concerning the most important concerns of human life. But perhaps it may be reasonable to allow, that the same character which disposes men to scepticism, may dispose them also to acquiesce in considerable abuses, and even oppressions, rather than to seek redress in forcible resistance. Men of such a character have misgivings in every enterprise; their acuteness is exercised in devising objections,—in discovering difficulties,—in foreseeing obstacles; they hope little from human wisdom and virtue, and are rather secretly prone to that indolence and indifference which forbade the Epicurean sage to hazard his quiet for the doubtful interests of a contemptible race. They do not lend a credulous ear to the Utopian projector; they doubt whether the evils of change

will be so little, or the benefits of reform so great, as the sanguine reformer foretells that they will be. The sceptical temper of Mr. Hume may have thus insensibly moulded his political opinions. But causes still more obvious and powerful had probably much more share in rendering him so zealous a partisan of regal power. In his youth, the Presbyterians, to whose enmity his opinions exposed him, were the zealous and only friends of civil liberty in Scotland; and the close connection of liberty with Calvinism, made both more odious to him. The gentry in most parts of Scotland, except in the west, were then Jacobites; and his early education was probably among that party. The prejudices which he perhaps imbibed in France against the literature of England, extended to her institutions; and in the state of English opinion, when his history was published, if he sought distinction by paradox, he could not so effectually have obtained his object by the most startling of his metaphysical dogmas, as by his doubts of the genius of Shakespeare, and the virtue of Hampden."

Note P. page 137.

Though some parts of the substance of the following letter have already appeared in various forms, perhaps the account of Mr. Hume's illness, in the words of his friend and physician Dr. Cullen, will be acceptable to many readers. I owe it to the kindness of Mrs. Baillie, who had the goodness to copy it from the original, in the collection of her late learned and excellent husband, Dr. Baillie. Some portion of what has been formerly published I do not think it necessary to reprint.

From Dr. Cullen to Dr. Hunter.

"My dear Friend,— I was favoured with yours by Mr. Halket on Sunday, and have answered some part of it by a gentleman whom I was otherwise obliged to write by; but as I was not certain how soon that might come to your hand, I did not answer your postscript; in doing which, if I can oblige you, a part of the merit must be that of the information being early, and I therefore give it you as soon as I possibly could. You desire an account of Mr. Hume's

last days, and I give it you with some pleasure; for though I could not look upon him in his illness without much concern, yet the tranquillity and pleasantry which he constantly discovered did even then give me satisfaction, and, now that the curtain is dropped, allows me to indulge the less allayed reflection. He was truly an example *des grands hommes qui sont morts en plaisantant*.... For many weeks before his death he was very sensible of his gradual decay; and his answer to inquiries after his health was, several times, that he was going as fast as his enemies could wish, and as easily as his friends could desire. He was not, however, without a frequent recurrence of pain and uneasiness: but he passed most part of the day in his drawing-room, admitted the visits of his friends, and, with his usual spirit, conversed with them upon literature, politics, or whatever else was accidentally started. In conversation he seemed to be perfectly at ease, and to the last abounded with that pleasantry, and those curious and entertaining anecdotes, which ever distinguished him. This, however, I always considered rather as an effort to be agreeable; and he at length acknowledged that it became too much for his strength. For a few days before his death, he became more averse to receive visits; speaking became more and more difficult for him, and for twelve hours before his death his speech failed altogether. His senses and judgment did not fail till the last hour of his life. He constantly discovered a strong sensibility to the attention and care of his friends; and, amidst great uneasiness and languor, never betrayed any peevishness or impatience. This is a general account of his last days; but a particular fact or two may perhaps convey to you a still better idea of them.

* * * * * *

"About a fortnight before his death, he added a codicil to his will, in which he fully discovered his attention to his friends, as well as his own pleasantry. What little wine he himself drank was generally port, a wine for which his friend the poet [John Home] had ever declared the strongest aversion. David bequeaths to his friend John one bottle of port; and, upon condition of his drinking this even at two down-sittings, bestows upon him twelve dozen of his best claret. He pleasantly adds, that this subject of wine was the only one upon which they had ever differed. In the codicil there are several other strokes

of raillery and pleasantry, highly expressive of the cheerfulness which he then enjoyed. He even turned his attention to some of the simple amusements with which he had been formerly pleased. In the neighbourhood of his brother's house in Berwickshire is a brook, by which the access in time of floods is frequently interrupted. Mr. Hume bequeaths 100*l.* for building a bridge over this brook, but upon the express condition that none of the stones for that purpose shall be taken from a quarry in the neighbourhood, which forms part of a romantic scene in which, in his earlier days, Mr. Hume took particular delight: — otherwise the money to go to the poor of the parish.

"These are a few particulars which may perhaps appear trifling; but to me no particulars seem trifling that relate to so great a man. It is perhaps from trifles that we can best distinguish the tranquillity and cheerfulness of the philosopher, at a time when the most part of mankind are under disquiet, anxiety, and sometimes even horror.... I had gone so far when I was called to the country; and I have returned only so long before the post as to say, that I am most affectionately yours,

"WILLIAM CULLEN.

"*Edinburgh, 17th September*, 1776."

NOTE Q. page 139.

Pyrrho was charged with carrying his scepticism so far as not to avoid a carriage if it was driven against him. Æne-sidemus, the most famous of ancient sceptics, with great probability vindicates the more ancient doubter from such lunacy, of which indeed his having lived to the age of ninety seems sufficient to acquit him. *Αἰνεσίδημος δέ φησι φιλοσοφεῖν μὲν αὐτὸν κατὰ τὸν τῆς ἐποχῆς λόγον, μὴ μέντοι γε ἀπροορατὼς ἕκαστα πράττειν.* — Diogenes Laertius, lib. ix. sect. 62. Brief and imperfect as our accounts of ancient scepticism are, it does appear that their reasoning on the subject of causation had some resemblance to that of Mr. Hume. *Ἀναιροῦσι δὲ τὸ αἴτιον ὧδε· τό αἴτιον τῶν πρός τί ἐστι, πρὸς γὰρ τῷ αἰτιατῷ ἐστι· τὰ δὲ πρός τι ἐπινοεῖται μόνου ὑπάρχει δὲ οὔ· καὶ τὸ αἴτιον οὖν ἐπινοοῖτο ἂν μόνον.* — Ibid. sect. 97. It is perhaps impossible to translate the important technical expression *τὰ πρός τι*. It comprehends two or more things as related to each other; both the relative and

correlative being taken together as such. Fire considered as having the power of burning wood is τὰ πρός τι. The words of Laertius may therefore be nearly rendered into the language of modern philosophy as follows: "Causation they take away thus. A cause is so only in relation to an effect. What is relative is only conceived, but does not exist. Therefore cause is a mere conception." The first attempt to prove the necessity of belief in a Divine revelation, by demonstrating that natural reason leads to universal scepticism, was made by Algazel, a professor at Bagdad, in the beginning of the twelfth century of our era; whose work entitled the "Destruction of the Philosopher" is known to us only by the answer of Averroes, called "Destruction of the Destruction." He denied a necessary connection between cause and effect; for of two separate things, the affirmation of the existence of one does not necessarily contain the affirmation of the existence of the other; and the same may be said of denial. It is curious enough that this argument was more especially pointed against those Arabian philosophers who, from the necessary connection of causes and effects, reasoned against the possibility of miracles;—thus anticipating one doctrine of Mr. Hume, to impugn another. —Tennemann, Geschichte der Philosophie, vol. viii. p. 387. The same attempt was made by the learned but unphilosophical Huet, bishop of Avranches.—(Quæstiones Alnetanæ, Caen, 1690, and Traité de la Foiblesse de l'Esprit Humain, Amsterdam, 1723). A similar motive urged Berkeley to his attack on Fluxions. The attempt of Huet has been lately renewed by the Abbé Lamennais, in his treatise on Religious Indifference;—a fine writer, whose apparent reasonings amount to little more than well-varied assertions, and well-disguised assumptions of the points to be proved. To build religion upon scepticism is the most extravagant of all attempts; for it destroys the proofs of a divine mission, and leaves no natural means of distinguishing between revelation and imposture. The Abbé Lamennais represents authority as the sole ground of belief. Why? If any reason can be given, the proposition must be false; if none, it is obviously a mere groundless assertion.

Note R. page 145.

Casanova, a Venetian doomed to solitary imprisonment in the dungeons at Venice in 1755, thus speaks of the only books which for a time he was allowed to read. The title of the first was "La Cité Mystique de Sœur Marie de Jesus, appellée d'Agrada." "J'y lus tout ce que peut enfanter l'imagination exaltée d'une vierge Espagnole extravagamment dévote, cloitrée, mélancholique, ayant des directeurs de conscience, ignorans, faux, et dévots. Amoureuse et amie très intime de la Sainte Vierge, elle avait reçu ordre de Dieu même d'écrire la vie de sa divine mère. Les instructions nécessaires lui avaient été fournies par le Saint Esprit. Elle commençoit la vie de Marie, non pas du jour de sa naissance, mais du moment de son immaculée conception dans le sein de sa mère Anne. Après avoir narré en détail tout ce que sa divine héroïne fit les neuf mois qu'elle a passé dans le sein maternel, elle nous apprend qu'à l'âge de trois ans elle balayoit la maison, aidée par neuf cents domestiques, tous anges, commandés par leur propre Prince Michel. Ce qui frappe dans ce livre est l'assurance que tout est dit de bonne foi. Ce sont les visions d'un esprit sublime, qui, sans aucune ombre d'orgueil, ivre de Dieu, croit ne révéler que ce que l'Esprit Saint lui inspire."—Mémoires de Casanova (Leipsic, 1827), vol. iv. p. 343. A week's confinement to this volume produced such an effect on Casanova, an unbeliever and a debauchee, but who was then enfeebled by melancholy, bad air, and bad food, that his sleep was haunted, and his waking hours disturbed by its horrible visions. Many years after, passing though Agrada, in Old Castile, he charmed the old priest of that village by speaking of the biographer of the virgin. The priest showed him all the spots which were consecrated by her presence, and bitterly lamented that the Court of Rome had refused to canonize her. It is the natural reflection of Casanova that the book was well qualified to turn a solitary prisoner mad, or to make a man at large an atheist. It ought not to be forgotten, that the inquisitors of state at Venice, who proscribed this book, were probably of the latter persuasion. It is a striking instance of the infatuation of those who, in their eagerness to rivet the bigotry of the ignorant, use means which infallibly tend to spread utter unbelief among the educated. The book is a disgusting, but in its general outline seemingly faithful, pic-

ture of the dissolute manners spread over the Continent of Europe in the middle of the eighteenth century.

Note S. page 150.

"The Treatise on the Law of War and Peace, the Essay on Human Understanding, the Spirit of Laws, and the Inquiry into the Causes of the Wealth of Nations, are the works which have most directly influenced the general opinion of Europe during the two last centuries. They are also the most conspicuous landmarks in the progress of the sciences to which they relate. It is remarkable that the defects of all these great works are very similar. The leading notions of none of them can, in the strictest sense, be said to be original, though Locke and Smith in that respect surpass their illustrious rivals. All of them employ great care in ascertaining those laws which are immediately deduced from experience, or directly applicable to practice; but apply metaphysical and abstract principles with considerable negligence. Not one pursues the order of science, beginning with first elements, and advancing to more and more complicated conclusions; though Locke is perhaps less defective in method than the rest. All admit digressions which, though often intrinsically excellent, distract attention and break the chain of thought. Not one of them is happy in the choice, or constant in the use of technical terms; and in none do we find much of that rigorous precision which is the first beauty of philosophical language. Grotius and Montesquieu were imitators of Tacitus, — the first with more gravity, the second with more vivacity; but both were tempted to forsake the simple diction of science, in pursuit of the poignant brevity which that great historian has carried to a vicious excess. Locke and Smith chose an easy, clear, and free, but somewhat loose and verbose style, — more concise in Locke, — more elegant in Smith, — in both exempt from pedantry, but not void of ambiguity and repetition. Perhaps all these apparent defects contributed in some degree to the specific usefulness of these great works; and, by rendering their contents more accessible and acceptable to the majority of readers, have more completely blended their principles with the common opinions of mankind." — Edinburgh Review, vol. xxxvi. p. 244. [This is a further extract from the article alluded to at p. 294.— Ed.]

Notes T—U. page 162.

Δεῖ δ' οὕπως, ὥσπερ ἐν γραμματείῳ ᾧ μηδὲν ὑπάρχει ἐντελεχείᾳ γεγραμμένον· ὅσπερ συμβαίνει ἐπὶ τοῦ νοῦ. — Aristotle. "De Animâ," Opera (Paris, 1639), tome ii. p. 50. A little before, in the same treatise, appears a great part of the substance of the famous maxim, *Nil est in intellectu quod non prius fuit in sensu.* Ἥδε φαντασία κίνησίς τις δόκει εἶναι, καὶ οὐκ ἄνευ αἰσθήσεως γίγνεσθαι.— Ibid. p. 47. In the tract on Memory and Reminiscence we find his enumeration of the principles of association. Διὰ καὶ τὸ ἐφεξῆς θηρεύομεν, νοησοῦντες ἀπὸ τοῦ νῦν ἢ ἄλλου τινὸς, καὶ ἀφ' ὁμοίου ἢ ἐναντίου, ἢ τοῦ σύνεγγυς. — Ibid. p. 86. If the latter word be applied to time as well as space, and considered as comprehending causation, the enumeration will coincide with that of Hume. The term θηρεύω is as significant as if it had been chosen by Hobbes. But it is to be observed, that these principles are applied only to explain memory.

Something has been said on the subject, and something on the present writer, by Mr. Coleridge, in his unfortunately unfinished work, called "Biographia Literaria," chap. v., which seems to justify, if not to require, a few remarks. That learned gentleman seems to have been guilty of an oversight in quoting as a distinct work the "Parva Naturalia," which is the collective name given by the scholastic translators to those treatises of Aristotle which form the second volume of Duval's edition of his works, published at Paris in 1639. I have already acknowledged the striking resemblance of Mr. Hume's principles of association to those of Aristotle. In answer, however, to a remark of Mr. Coleridge, I must add, that the manuscript of a part of Aquinas which I bought many years ago (on the faith of a bookseller's catalogue), as being written by Mr. Hume, was not a copy of the Commentary on the "Parva Naturalia," but of Aquinas's own "Secunda Secundæ;" and that, on examination, it proves not to be the handwriting of Mr. Hume, and to contain nothing written by him. It is certain that, in the passages immediately preceding the quotation, Aristotle explains recollection as depending on a general law, — that the idea of an object will remind us of the objects which immediately preceded or followed when originally perceived. But what Mr. Coleridge has not told us is, that the Stagy-

rite confines the application of this law *exclusively to the phenomena of recollection alone*, without any glimpse of a more general operation extending to all connections of thought and feeling, — a wonderful proof, indeed, even so limited, of the sagacity of the great philosopher, but which for many ages continued barren of further consequences. The illustrations of Aquinas throw light on the original doctrine, and show that it was unenlarged in his time. "When we recollect Socrates, the thought of Plato occurs 'as like him.' When we remember Hector, the thought of Achilles occurs 'as contrary.' The idea of a father is followed by that of a son 'as near.'"—Opera, vol. i. pars ii. p. 62. *et seq.* Those of Ludovicus Vives, as quoted by Mr. Coleridge, extend no farther. But if Mr. Coleridge will compare the parts of Hobbes on Human Nature which relate to this subject, with those which explain general terms, he will perceive that the philosopher of Malmesbury builds on these two foundations a general theory of the human understanding, of which reasoning is only a particular case. In consequence of the assertion of Mr. Coleridge, that Hobbes was anticipated by Descartes in his excellent and interesting discourse on Method, I have twice reperused the latter's work in quest of this remarkable anticipation, though, as I thought, well acquainted by my old studies with the writings of that great philosopher. My labour has, however, been vain: I have discovered no trace of that or of any similar speculation. My edition is in Latin by Elzevir, at Amsterdam, in 1650, the year of Descartes's death. I am obliged, therefore, to conjecture, that Mr. Coleridge, having mislaid his references, has, by mistake, quoted the discourse on Method, instead of another work; which would affect his inference from the priority of Descartes to Hobbes. It is not to be denied, that the opinion of Aristotle, repeated by so many commentators, may have found its way into the mind of Hobbes, and also of Hume; though neither might be aware of its source, or even conscious that it was not originally his own. Yet the very narrow view of Association taken by Locke, his apparently treating it as a novelty, and the silence of common books respecting it, afford a presumption that the Peripatetic doctrine was so little known, that it might have escaped the notice of these philosophers; — one of whom boasted that he was unread, while the other is not liable to the suspicion of unacknowledged borrowing.

To Mr. Coleridge, who distrusts his own power of building a bridge by which his ideas may pass into a mind so differently trained as mine, I venture to suggest, with that sense of his genius which no circumstance has hindered me from seizing every fit occasion to manifest, that more of my early years were employed in contemplations of an abstract nature than of those of the majority of his readers,—that there are not, even now, many of them less likely to be repelled from doctrines by singularity or uncouthness; or many more willing to allow that every system has caught an advantageous glimpse of some side or corner of the truth; or many more desirous of exhibiting this dispersion of the fragments of wisdom by attempts to translate the doctrine of one school into the language of another; or many who when they cannot discover a reason for an opinion, consider it more important to discover the causes of its adoption by the philosopher;—believing, as I do, that one of the most arduous and useful offices of mental philosophy is to explore the subtile illusions which enable great minds to satisfy themselves by mere words, before they deceive others by payment in the same counterfeit coin. My habits, together with the natural influence of my age and avocations, lead me to suspect that in speculative philosophy I am nearer to indifference than to an exclusive spirit. I hope that it can neither be thought presumptuous nor offensive in me to doubt, whether the circumstance of its being found difficult to convey a metaphysical doctrine to a person who, at one part of his life, made such studies his chief pursuit, may not imply either error in the opinion, or defect in the mode of communication.

Note V. page 196.

A very late writer, who seems to speak for Mr. Bentham with authority, tells us that "the first time the phrase of 'the principle of utility' was brought decidedly into notice, was in the 'Essays,' by David Hume, published about the year 1742. In that work it is *mentioned* as the *name* of a principle which *might* be made the foundation of a system of morals, in *opposition to a system then in vogue, which was founded on what was called the 'moral sense.'* The ideas, however, there attached to it, are *vague* and *defective in practical application.*"—Westminster Review, vol. xi. p. 258.

If these few sentences were scrutinised with the severity and minuteness of Bentham's Fragment on Government, they would be found to contain almost as many misremembrances as assertions. The principle of Utility is not "*mentioned*," but fully discussed, in Mr. Hume's discourse. It is seldom spoken of by "*name*." Instead of charging the statements of it with "*vagueness*," it would be more just to admire the precision which it combines with beauty. Instead of being "*defective in practical application*," perhaps the desire of rendering it popular has crowded it with examples and illustrations taken from life. To the assertion that "*it was opposed to the moral sense*," no reply can be needful but the following words extracted from the discourse itself: "I am apt to suspect that reason and *sentiment* concur in almost all moral determinations and conclusions. *The final sentence which pronounces characters and actions amiable or odious, probably depends on some internal sense or feeling, which nature has made universal in the whole species.*"—Inquiry concerning the Principles of Morals, sect. 1. The phrase "made universal," which is here used instead of the more obvious and common word "implanted," shows the anxious and perfect precision of language, by which a philosopher avoids the needless decision of a controversy not at the moment before him.

[Dr. Whewell puts the case against the present *mis*-denomination assumed by the disciples of Mr. Bentham thus neatly:—"If the word from which Deontology is derived had borrowed its meaning from the notion of utility alone, it is not likely that it would have become more intelligible by being translated out of Latin into Greek. But the term 'Deontology' expresses moral science (and expresses it well), precisely because it signifies *the science of duty*, and contains no reference to Utility. Mackintosh, who held that τὸ δέον —what men *ought* to do—was the fundamental notion of morality, might very probably have termed the science 'Deontology.' The system of which Mr. Bentham is the representative—that of those who make morality dependent on the production of happiness—has long been designated in Germany by the term '*Eudemonism*,' derived from the Greek word for happiness (εὐδαιμονία). If we were to adopt this term, we should have to oppose the Deontological to the Eudemonist school; and we must necessarily place those who hold a peculiar moral faculty,—

Butler, Stewart, Brown, and Mackintosh, — in the former, and those who are usually called Utilitarian philosophers in the latter class."—Preface to this Dissertation, 8vo., Edinburgh, 1837. Ed.]

Note W. page 199.

A writer of consummate ability, who has failed in little but the respect due to the abilities and character of his opponents, has given too much countenance to the abuse and confusion of language exemplified in the well-known verse of Pope, —

"Modes of self-love the Passions we may call."

"We know," says he, "no universal proposition respecting human nature which is true but one, — that men always act from self-interest."—Edinburgh Review, vol. xlix. p. 185. It is manifest from the sequel, that the writer is not the dupe of the confusion; but many of his readers may be so. If, indeed, the word "self-interest" could with propriety be used for the gratification of every prevalent desire, he has clearly shown that this change in the signification of terms would be of no advantage to the doctrine which he controverts. It would make as many sorts of self-interest as there are appetites, and it is irreconcilably at variance with the system of association embraced by Mr. Mill. To the word "self-love," Hartley properly assigns two significations: — 1. gross self-love, which consists in the pursuit of the greatest pleasures, from all those desires which look to individual gratification; or, 2. refined self-love, which seeks the greatest pleasure which can arise from all the desires of human nature, — the latter of which is an invaluable, though inferior principle. The admirable writer whose language has occasioned this illustration, — who at an early age has mastered every species of composition, — will doubtless hold fast to simplicity, which survives all the fashions of deviation from it, and which a man of a genius so fertile has few temptations to forsake.

ON THE

PHILOSOPHICAL GENIUS

OF

LORD BACON AND MR. LOCKE.*

"HISTORY," says Lord Bacon, "is Natural, Civil or Ecclesiastical, or Literary; whereof the three first I allow as extant, *the fourth I note as deficient.* For no man hath propounded to himself the general state of learning, to be described and represented from age to age, as many have done the works of Nature, and the State civil and ecclesiastical; without which the history of the world seemeth to me to be as the statue of Polyphemus with his eye out; that part being wanting which doth most show the spirit and life of the person. And yet I am not ignorant, that in divers particular sciences, as of the jurisconsults, the mathematicians, the rhetoricians, and the philosophers, there are set down some small memorials of the schools, — of authors of books! so likewise some barren relations touching the invention of arts or usages. But a just story of learning, containing the antiquities and originals of knowledges, and their sects, their inventions, their traditions, their divers administrations and managings, their oppositions, decays, depressions, oblivions, removes, with the causes and occasions of them, and all other events concerning

* These remarks are extracted from the Edinburgh Review, vol. xxvii. p. 180.; vol. xxxvi. p. 229.—ED.

learning throughout the ages of the world, I may truly affirm to be wanting. The use and end of which work I do not so much design for curiosity, or satisfaction of those who are lovers of learning, but chiefly for a more serious and grave purpose, which is this, in few words, '*that it will make learned men wise in the use and administration of learning.*'"*

Though there are passages in the writings of Lord Bacon more splendid than the above, few, probably, better display the union of all the qualities which characterised his philosophical genius. He has in general inspired a fervour of admiration which vents itself in indiscriminate praise, and is very adverse to a calm examination of the character of his understanding, which was very peculiar, and on that account described with more than ordinary imperfection, by that unfortunately vague and weak part of language which attempts to distinguish the varieties of mental superiority. To this cause it may be ascribed, that perhaps no great man has been either more ignorantly censured or more uninstructively commended. It is easy to describe his transcendent merit in general terms of commendation; for some of his great qualities lie on the surface of his writings. But that in which he most excelled all other men, was the range and compass of his intellectual view and the power of contemplating many and distant objects together without indistinctness or confusion, which he himself has called the "discursive" or "comprehensive" understanding. This wide ranging intellect was illuminated by the brightest Fancy that ever contented itself with the office of only ministering to Reason; and from this singular relation of the two grand faculties of man, it has resulted, that his philosophy, though illustrated still more than adorned by the utmost splendour of imagery, continues still subject to the undivided supremacy of Intellect. In

* Advancement of Learning, book ii.

the midst of all the prodigality of an imagination which, had it been independent, would have been poetical, his opinions remained severely rational.

It is not so easy to conceive, or at least to describe, other equally essential elements of his greatness, and conditions of his success. His is probably a single instance of a mind which, in philosophising, always reaches the point of elevation whence the whole prospect is commanded, without ever rising to such a distance as to lose a distinct perception of every part of it.* It is perhaps not less singular, that his philosophy should be founded at once on disregard for the authority of men, and on reverence for the boundaries prescribed by Nature to human inquiry; that he who thought so little of what man had done, hoped so highly of what he could do; that so daring an innovator in science should be so wholly exempt from the love of singularity or paradox; and that the same man who renounced imaginary provinces in the empire of science, and withdrew his landmarks within the limits of experience, should also exhort posterity to push their conquests to its utmost verge, with a boldness which will be fully justified only by the discoveries of ages from which we are yet far distant.

No man ever united a more poetical style to a less poetical philosophy. One great end of his discipline is to prevent mysticism and fanaticism from obstructing the pursuit of truth. With a less brilliant fancy, he would have had a mind less qualified for philosophical inquiry. His fancy gave him that power of

* He himself who alone was qualified, has described the genius of his philosophy both in respect to the degree and manner in which he rose from particulars to generals: "Axiomata infima non multum ab experientiâ nudâ discrepant. Suprema vero illa et generalissima (quæ habentur) notionalia sunt et abstracta, et nil habent solidi. At media sunt axiomata illa vera, et solida, et viva, in quibus humanæ res et fortunæ sitæ sunt, et supra hæc quoque, *tandem* ipsa illa generalissima, talia scilicet quæ non abstracta sint, sed per hæc media verè limitantur."—Novum Organum, lib. i. aphoris. 104.

illustrative metaphor, by which he seemed to have invented again the part of language which respects philosophy; and it rendered new truths more distinctly visible even to his own eye, in their bright clothing of imagery. Without it, he must like others have been driven to the fabrication of uncouth technical terms, which repel the mind either by vulgarity or pedantry, instead of gently leading it to novelties in science, through agreeable analogies with objects already familiar. A considerable portion doubtless of the courage with which he undertook the reformation of philosophy, was caught from the general spirit of his extraordinary age, when the mind of Europe was yet agitated by the joy and pride of emancipation from long bondage. The beautiful mythology, and the poetical history of the ancient world, — not yet become trivial or pedantic, — appeared before his eyes in all their freshness and lustre. To the general reader they were then a discovery as recent as the world disclosed by Columbus. The ancient literature, on which his imagination looked back for illustration, had then as much the charm of novelty as that rising philosophy through which his reason dared to look onward to some of the last periods in its unceasing and resistless course.

In order to form a just estimate of this wonderful person, it is essential to fix steadily in our minds, what he was not, — what he did not do, — and what he professed neither to be, nor to do. He was not what is called a metaphysician: his plans for the improvement of science were not inferred by abstract reasoning from any of those primary principles to which the philosophers of Greece struggled to fasten their systems. Hence he has been treated as empirical and superficial by those who take to themselves the exclusive name of profound speculators. He was not, on the other hand, a mathematician, an astronomer, a physiologist, a chemist. He was not eminently conversant with the particular truths of any

of those sciences which existed in his time. For this reason, he was underrated even by men themselves of the highest merit, and by some who had acquired the most just reputation, by adding new facts to the stock of certain knowledge. It is not therefore very surprising to find, that Harvey, "though the friend as well as physician of Bacon, though he esteemed him much for his wit and style, would not allow him to be a great philosopher;" but said to Aubrey, "He writes philosophy like a Lord Chancellor,"—"in derision,"—as the honest biographer thinks fit expressly to add. On the same ground, though in a manner not so agreeable to the nature of his own claims on reputation, Mr. Hume has decided, that Bacon was not so great a man as Galileo, because he was not so great an astronomer. The same sort of injustice to his memory has been more often committed than avowed, by professors of the exact and the experimental sciences, who are accustomed to regard, as the sole test of service to Knowledge, a palpable addition to her store. It is very true that he made no discoveries: but his life was employed in teaching the method by which discoveries are made. This distinction was early observed by that ingenious poet and amiable man, on whom we, by our unmerited neglect, have taken too severe a revenge, for the exaggerated praises bestowed on him by our ancestors:—

> "Bacon, like Moses, led us forth at last,
> The barren wilderness he past,
> Did on the very border stand
> Of the blest promised land;
> And from the mountain top of his exalted wit,
> Saw it himself, and shewed us it."*

The writings of Bacon do not even abound with remarks so capable of being separated from the mass of previous knowledge and reflection, that they can be

* Cowley, Ode to the Royal Society.

called new. This at least is very far from their greatest distinction: and where such remarks occur, they are presented more often as examples of his general method, than as important on their own separate account. In physics, which presented the principal field for discovery, and which owe all that they are, or can be, to his method and spirit, the experiments and observations which he either made or registered, form the least valuable part of his writings, and have furnished some cultivators of that science with an opportunity for an ungrateful triumph over his mistakes. The scattered remarks, on the other hand, of a moral nature, where absolute novelty is precluded by the nature of the subject, manifest most strongly both the superior force and the original bent of his understanding. We more properly contrast than compare the experiments in the Natural History, with the moral and political observations which enrich the Advancement of Learning, the speeches, the letters, the History of Henry VII., and, above all, the Essays, a book which, though it has been praised with equal fervour by Voltaire, Johnson, and Burke, has never been characterised with such exact justice, and such exquisite felicity of expression, as in the discourse of Mr. Stewart.* It will serve still more distinctly to mark the natural tendency of his mind, to observe that his moral and political reflexions relate to these practical subjects, considered in their most

* "Under the same head of Ethics, may be mentioned the small volume to which he has given the title of 'Essays,'—the best known and most popular of all his works. It is also one of those where the superiority of his genius appears to the greatest advantage; *the novelty and depth of his reflexions often receiving a strong relief from the triteness of the subject.* It may be read from beginning to end in a few hours; and yet, after the twentieth perusal, one seldom fails to remark in it something unobserved before. This, indeed, is a characteristic of all Bacon's writings, and is only to be accounted for *by the inexhaustible aliment they furnish to our own thoughts, and the sympathetic activity they impart to our torpid faculties.*"—Encyclopædia Britannica, vol. i. p. 36.

practical point of view; and that he has seldom or never attempted to reduce to theory the infinite particulars of that "civil knowledge," which, as he himself tells us, is, "of all others, most immersed in matter, and hardliest reduced to axiom."

His mind, indeed, was formed and exercised in the affairs of the world: his genius was eminently civil. His understanding was peculiarly fitted for questions of legislation and of policy; though his character was not an instrument well qualified to execute the dictates of his reason. The same civil wisdom which distinguishes his judgments on human affairs, may also be traced through his reformation of philosophy. It is a practical judgment applied to science. What he effected was reform in the maxims of state,—a reform which had always before been unsuccessfully pursued in the republic of Letters. It is not derived from metaphysical reasoning, nor from scientific detail, but from a species of intellectual prudence, which, on the practical ground of failure and disappointment in the prevalent modes of pursuing knowledge, builds the necessity of alteration, and inculcates the advantage of administering the sciences on other principles. It is an error to represent him either as imputing fallacy to the syllogistic method, or as professing his principle of induction to be a discovery. The rules and forms of argument will always form an important part of the art of logic; and the method of induction, which is the art of discovery, was so far from being unknown to Aristotle, that it was often faithfully pursued by that great observer. What Bacon aimed at, he accomplished; which was, not to discover new principles, but to excite a new spirit, and to render observation and experiment the predominant characteristics of philosophy. It is for this reason that Bacon could not have been the author of a system or the founder of a sect. He did not deliver opinions; he taught modes of philosophising. His early immersion in civil affairs fitted him for this species of scientific

reformation. His political course, though in itself unhappy, probably conduced to the success, and certainly influenced the character, of the contemplative part of his life. Had it not been for his active habits, it is likely that the pedantry and quaintness of his age would have still more deeply corrupted his significant and majestic style. The force of the illustrations which he takes from his experience of ordinary life, is often as remarkable as the beauty of those which he so happily borrows from his study of antiquity. But if we have caught the leading principle of his intellectual character, we must attribute effects still deeper and more extensive, to his familiarity with the active world. It guarded him against vain subtlety, and against all speculation that was either visionary or fruitless. It preserved him from the reigning prejudices of contemplative men, and from undue preference to particular parts of knowledge. If he had been exclusively bred in the cloister or the schools, he might not have had courage enough to reform their abuses. It seems necessary that he should have been so placed as to look on science in the free spirit of an intelligent spectator. Without the pride of professors, or the bigotry of their followers, he surveyed from the world the studies which reigned in the schools: and trying them by their fruits, he saw that they were barren, and therefore pronounced that they were unsound. He himself seems, indeed, to have indicated as clearly as modesty would allow, in a case that concerned himself, and where he departed from an universal and almost natural sentiment, that he regarded scholastic seclusion, then more unsocial and rigorous than it now can be, as a hindrance in the pursuit of knowledge. In one of the noblest passages of his writings, the conclusion "of the Interpretation of Nature," he tells us, "That there is no composition of estate or society, nor order or quality of persons, which have not some point of contrariety towards true knowledge; that monarchies incline

wits to profit and pleasure; commonwealths to glory and vanity; universities to sophistry and affectation; cloisters to fables and unprofitable subtlety; study at large to variety; and that it is hard to say whether mixture of contemplations with an active life, or retiring wholly to contemplations, do disable or hinder the mind more."

But though he was thus free from the prejudices of a science, a school or a sect, other prejudices of a lower nature, and belonging only to the inferior class of those who conduct civil affairs, have been ascribed to him by encomiasts as well as by opponents. He has been said to consider the great end of science to be the increase of the outward accommodations and enjoyments of human life: we cannot see any foundation for this charge. In labouring, indeed, to correct the direction of study, and to withdraw it from these unprofitable subtleties, it was necessary to attract it powerfully towards outward acts and works. He no doubt duly valued "the dignity of this end, the endowment of man's life with new commodities;" and he strikingly observes, that the most poetical people of the world had admitted the inventors of the useful and manual arts among the highest beings in their beautiful mythology. Had he lived to the age of Watt and Davy, he would not have been of the vulgar and contracted mind of those who cease to admire grand exertions of intellect, because they are useful to mankind: but he would certainly have considered their great works rather as tests of the progress of knowledge than as parts of its highest end. His important questions to the doctors of his time were:— "Is truth ever barren? Are we the richer by one poor invention, by reason of all the learning that hath been these many hundred years?" His judgment, we may also hear from himself:—"Francis Bacon thought in this manner. The knowledge whereof the world is now possessed, especially that of nature, extendeth not to *magnitude and certainty of works*." He found

knowledge barren; he left it fertile. He did not underrate the utility of particular inventions; but it is evident that he valued them most, as being themselves among the highest exertions of superior intellect, —as being monuments of the progress of knowledge, —as being the bands of that alliance between action and speculation, wherefrom springs an appeal to experience and utility, checking the proneness of the philosopher to extreme refinements; while teaching men to revere, and exciting them to pursue science by these splendid proofs of its beneficial power. Had he seen the change in this respect, which, produced chiefly in his own country by the spirit of his philosophy, has made some degree of science almost necessary to the subsistence and fortune of large bodies of men, he would assuredly have regarded it as an additional security for the future growth of the human understanding. He taught, as he tells us, the means, not of the "amplification of the power of one man over his country, nor of the amplification of the power of that country over other nations; but the amplification of the power and kingdom of mankind over the world,"—"a restitution of man to the sovereignty of nature,"*—"and the enlarging the bounds of human empire to the effecting all things possible."† From the enlargement of reason, he did not separate the growth of virtue, for he thought that "truth and goodness were one, differing but as the seal and the print; for truth prints goodness."‡

As civil history teaches statesmen to profit by the faults of their predecessors, he proposes that the history of philosophy should teach, by example, "learned men to become wise in the administration of learning." Early immersed in civil affairs, and deeply imbued with their spirit, his mind in this place contemplates science only through the analogy of govern-

* Of the Interpretation of Nature. † New Atlantis.
‡ Advancement of Learning, book i.

ment, and considers principles of philosophising as the easiest maxims of policy for the guidance of reason. It seems also, that in describing the objects of a history of philosophy, and the utility to be derived from it, he discloses the principle of his own exertions in behalf of knowledge;—whereby a reform in its method and maxims, justified by the experience of their injurious effects, is conducted with a judgment analogous to that civil prudence which guides a wise lawgiver. If (as may not improbably be concluded from this passage) the reformation of science was suggested to Lord Bacon, by a review of the history of philosophy, it must be owned, that his outline of that history has a very important relation to the general character of his philosophical genius. The smallest circumstances attendant on that outline serve to illustrate the powers and habits of thought which distinguished its author. It is an example of his faculty of anticipating,—not insulated facts or single discoveries,—but (what from its complexity and refinement seem much more to defy the power of prophecy) the tendencies of study, and the modes of thinking, which were to prevail in distant generations, that the parts which he has chosen to unfold or enforce in the Latin versions, are those which a thinker of the present age would deem both most excellent and most arduous in a history of philosophy;—"the causes of literary revolutions; the study of contemporary writers, not merely as the most authentic sources of information, but as enabling the historian to preserve in his own description the peculiar colour of every age, and to recall its literary genius from the dead." This outline has the uncommon distinction of being at once original and complete. In this province, Bacon had no forerunner; and the most successful follower will be he, who most faithfully observes his precepts.

Here, as in every province of knowledge, he concludes his review of the performances and prospects

of the human understanding, by considering their subservience to the grand purpose of improving the condition, the faculties, and the nature of man, without which, indeed, science would be no more than a beautiful ornament, and literature would rank no higher than a liberal amusement. Yet it must be acknowledged, that he rather perceived than felt the connection of Truth and Good. Whether he lived too early to have sufficient experience of the moral benefit of civilisation, or his mind had early acquired too exclusive an interest in science, to look frequently beyond its advancement; or whether the infirmities and calamities of his life had blighted his feelings, and turned away his eyes from the active world; — to whatever cause we may ascribe the defect, certain it is, that his works want one excellence of the highest kind, which they would have possessed if he had habitually represented the advancement of knowledge as the most effectual means of realising the hopes of Benevolence for the human race.

The character of Mr. Locke's writings cannot be well understood, without considering the circumstances of the writer. Educated among the English Dissenters, during the short period of their political ascendency, he early imbibed the deep piety and ardent spirit of liberty which actuated that body of men; and he probably imbibed also, in their schools, the disposition to metaphysical inquiries which has every where accompanied the Calvinistic theology. Sects, founded on the right of private judgment, naturally tend to purify themselves from intolerance, and in time learn to respect, in others, the freedom of thought, to the exercise of which they owe their own existence. By the Independent divines who were his instructors, our philosopher was taught those principles of religious liberty which they were the first to

disclose to the world.* When free inquiry led him to milder dogmas, he retained the severe morality which was their honourable singularity, and which continues to distinguish their successors in those communities which have abandoned their rigorous opinions. His professional pursuits afterwards engaged him in the study of the physical sciences, at the moment when the spirit of experiment and observation was in its youthful fervour, and when a repugnance to scholastic subtleties was the ruling passion of the scientific world. At a more mature age, he was admitted into the society of great wits and ambitious politicians. During the remainder of his life, he was often a man of business, and always a man of the world, without much undisturbed leisure, and probably with that abated relish for merely abstract speculation, which is the inevitable result of converse with society and experience in affairs. But his political connections agreeing with his early bias, made him a zealous advocate of liberty in opinion and in government; and he gradually limited his zeal and activity to the illustration of such general principles as are the guardians of these great interests of human society.

Almost all his writings (even his Essay itself) were occasional, and intended directly to counteract the enemies of reason and freedom in his own age. The first Letter on Toleration, the most original perhaps of his works, was composed in Holland, in a retirement where he was forced to conceal himself from the tyranny which pursued him into a foreign land; and

* Orme's Memoirs of Dr. Owen, pp. 99—110. In this very able volume, it is clearly proved that the Independents were the first teachers of religious liberty. The industrious, ingenious, and tolerant writer, is unjust to Jeremy Taylor, who had no share (as Mr. Orme supposes) in the persecuting councils of Charles II. It is an important fact in the history of Toleration, that Dr. Owen, the Independent, was Dean of Christchurch in 1651, when Locke was admitted a member of that College, "*under a fanatical tutor*," as Antony Wood says.

it was published in England, in the year of the Revolution, to vindicate the Toleration Act, of which he lamented the imperfection.*

His Treatise on Government is composed of three parts, of different character, and very unequal merit. The confutation of Sir Robert Filmer, with which it opens, has long lost all interest, and is now to be considered as an instance of the hard fate of a philosopher who is compelled to engage in a conflict with those ignoble antagonists, who acquire a momentary importance by the defence of pernicious falsehoods. The same slavish absurdities have indeed been at various times revived: but they never have assumed, and probably never will again assume, the form in which they were exhibited by Filmer. Mr. Locke's general principles of government were adopted by him, probably without much examination, as the doctrine which had for ages prevailed in the schools of Europe, and which afforded an obvious and adequate justification of a resistance to oppression. He delivers them as he found them, without even appearing to have made them his own by new modifications. The opinion, that the right of the magistrate to obedience is founded in the original delegation of power by the people to the government, is at least as old as

* "We have need," says he, "of more generous remedies than have yet been used in our distempers. It is neither declarations of indulgence, nor acts of comprehension such as have yet been practised or projected amongst us, that can do the work among us. Absolute liberty, just and true liberty, equal and impartial liberty, is the thing that we stand in need of. Now, though this has indeed been much talked of, I doubt it has not been much understood,—I am sure not at all practised, either by our governors towards the people in general, or by any dissenting parties of the people towards one another." How far are we, at this moment [1821], from adopting these admirable principles! and with what absurd confidence do the enemies of religious liberty appeal to the authority of Mr. Locke for continuing those restrictions on conscience which he so deeply lamented!

the writings of Thomas Aquinas*: and in the beginning of the seventeenth century, it was regarded as the common doctrine of all the divines, jurists and philosophers, who had at that time examined the moral foundation of political authority.† It then prevailed indeed so universally, that it was assumed by Hobbes as the basis of his system of universal servitude. The divine right of kingly government was a principle very little known, till it was inculcated in the writings of English court divines after the accession of the Stuarts. The purpose of Mr. Locke's work did not lead him to inquire more anxiously into the solidity of these universally received principles; nor were there at the time any circumstances, in the condition of the country, which could suggest to his mind the necessity of qualifying their application. His object, as he says himself, was "to establish the throne of our great Restorer, our present King William; to make good his title in the consent of the people, which, being the only one of all lawful governments, he has more fully and clearly than any prince in Christendom; and to justify to the world

* "Non cujuslibet ratio facit legem, sed multitudinis, aut *principis, vicem multitudinis gerentis.*"—Summa Theologiæ, pars i. quæst. 90.

† "Opinionem jam factam communem omnium Scholasticorum.—Antonio de Dominis, De Republicâ Ecclesiasticâ, lib. vi. cap. 2. Antonio de Dominis, Archbishop of Spalato in Dalmatia, having imbibed the free spirit of Father Paul, inclined towards Protestantism, or at least towards such reciprocal concessions as might reunite the churches of the West. During Sir Henry Wotton's remarkable embassy at Venice, he was persuaded to go to England, where he was made Dean of Windsor. Finding, perhaps, the Protestants more inflexible than he expected, he returned to Rome, possibly with the hope of more success in that quarter. But, though he publicly abjured his errors, he was soon, in consequence of some free language in conversation, thrown into a dungeon, where he died. His own writings are forgotten; but mankind are indebted to him for the admirable History of the Council of Trent by Father Paul, of which he brought the MSS. with him to London.

the people of England, whose love of their just and natural rights, with their resolution to preserve them, saved the nation when it was on the very brink of slavery and ruin." It was essential to his purpose to be exact in his more particular observations: that part of his work is, accordingly, remarkable for general caution, and every where bears marks of his own considerate mind. By calling William "a Restorer," he clearly points out the characteristic principle of the Revolution; and sufficiently shows that he did not consider it as intended to introduce novelties, but to defend or recover the ancient laws and liberties of the kingdom. In enumerating cases which justify resistance, he confines himself, almost as cautiously as the Bill of Rights, to the grievances actually suffered under the late reign: and where he distinguishes between a dissolution of government and a dissolution of society, it is manifestly his object to guard against those inferences which would have rendered the Revolution a source of anarchy, instead of being the parent of order and security. In one instance only, that of taxation, where he may be thought to have introduced subtle and doubtful speculations into a matter altogether practical, his purpose was to discover an immovable foundation for that ancient principle of rendering the government dependent on the representatives of the people for pecuniary supply, which first established the English Constitution; which improved and strengthened it in a course of ages; and which, at the Revolution, finally triumphed over the conspiracy of the Stuart princes. If he be ever mistaken in his premises, his conclusions at least are, in this part of his work, equally just, generous, and prudent. Whatever charge of haste or inaccuracy may be brought against his abstract principles, he thoroughly weighs and maturely considers the practical results. Those who consider his moderate plan of Parliamentary Reform as at variance with his theory of government, may perceive, even in this repugnance,

whether real or apparent, a new indication of those dispositions which exposed him rather to the reproach of being an inconsistent reasoner, than to that of being a dangerous politician. In such works, however, the nature of the subject has, in some degree, obliged most men of sense to treat it with considerable regard to consequences; though there are memorable and unfortunate examples of an opposite tendency.

The metaphysical object of the Essay on Human Understanding, therefore, illustrates the natural bent of the author's genius more forcibly than those writings which are connected with the business and interests of men. The reasonable admirers of Mr. Locke would have pardoned Mr. Stewart, if he had pronounced more decisively, that the first book of that work is inferior to the others; and we have satisfactory proof that it was so considered by the author himself, who, in the abridgment of the Essay which he published in Leclerc's Review, omits it altogether, as intended only to obviate the prejudices of some philosophers against the more important contents of his work.* It must be owned, that the very terms "innate ideas" and "innate principles," together with the division of the latter into "speculative and practical," are not only vague, but equivocal; that they are capable of different senses; and that they are not always employed in the same sense throughout this discussion. Nay, it will be found very difficult, after the most careful perusal of Mr. Locke's first book, to state the question in dispute clearly and shortly, in language so strictly philosophical as to be free from any hypothesis. As the antagonists chiefly contemplated

* "J'ai taché d'abord de prouver que notre esprit est au commencement ce qu'on appelle un *tabula rasa*, c'est-à-dire, sans idées et sans connoissances. Mais comme ce n'a été que pour détruire les préjugés de quelques philosophes, j'ai cru que dans ce petit abrégé de mes principes, je devois passer toutes les disputes préliminaires qui composent le livre premier."—Bibliothèque Universelle, Janv. 1688.

by Mr. Locke were the followers of Descartes, perhaps the only proposition for which he must necessarily be held to contend was, that the mind has no ideas which do not *arise* from impressions on the senses, or from reflections on our own thoughts and feelings. But it is certain, that he sometimes appears to contend for much more than this proposition; that he has generally been understood in a larger sense; and that, thus interpreted, his doctrine is not irreconcilable to those philosophical systems with which it has been supposed to be most at variance.

These general remarks may be illustrated by a reference to some of those ideas which are more general and important, and seem more dark than any others; — perhaps only because we seek in them for what is not to be found in any of the most simple elements of human knowledge. The nature of our notion of space, and more especially of that of time, seems to form one of the mysteries of our intellectual being. Neither of these notions can be conceived separately. Nothing outward can be conceived without space; for it is space which gives *out*ness to objects, or renders them capable of being conceived as outward. Nothing can be conceived to exist, without conceiving some time in which it exists. Thought and feeling may be conceived, without at the same time conceiving space; but no operation of mind can be recalled which does not suggest the conception of a portion of time, in which such mental operation is performed. Both these ideas are so clear that they cannot be illustrated, and so simple that they cannot be defined: nor indeed is it possible, by the use of any words, to advance a single step towards rendering them more, or otherwise intelligible than the lessons of Nature have already made them. The metaphysician knows no more of either than the rustic. If we confine ourselves merely to a statement of the facts which we discover by experience concerning these ideas, we shall find them reducible, as has just

been intimated, to the following; — namely, that they are simple; that neither space nor time can be conceived without some other conception; that the idea of space always attends that of every outward object; and that the idea of time enters into every idea which the mind of man is capable of forming. Time cannot be conceived separately from something else; nor can anything else be conceived separately from time. If we are asked whether the idea of time be innate, the only proper answer consists in the statement of the fact, that it never arises in the human mind otherwise than as the concomitant of some other perception; and that thus understood, it is not innate, since it is always directly or indirectly occasioned by some action on the senses. Various modes of expressing these facts have been adopted by different philosophers, according to the variety of their technical language. By Kant, space is said to be the *form* of our perceptive faculty, as applied to outward objects; and time is called the *form* of the same faculty, as it regards our mental operations: by Mr. Stewart, these ideas are considered "as *suggested to the understanding*" * by sensation or reflection, though, according to him, "the mind is not directly and immediately *furnished*" with such ideas, either by sensation or reflection: and, by a late eminent metaphysician †, they were regarded as *perceptions*, in the nature of those arising from the senses, of which the one is attendant on the idea of every outward object, and the other concomitant with the consciousness of every mental operation. Each of these modes of expression has its own advantages. The first mode brings forward the universality and necessity of these two notions: the second most strongly marks the distinction between them and the fluctuating perceptions naturally referred

* Philosophical Essays, essay i. chap. 2.

† Mr. Thomas Wedgwood; see Life of Mackintosh, vol. i. p. 289.

to the senses; while the last has the opposite merit of presenting to us that incapacity of being analysed, in which they agree with all other simple ideas. On the other hand, each of them (perhaps from the inherent imperfection of language) seems to insinuate more than the mere results of experience. The technical terms introduced by Kant have the appearance of an attempt to explain what, by the writer's own principles, is incapable of explanation; Mr. Wedgwood may be charged with giving the same name to mental phenomena, which coincide in nothing but simplicity; and Mr. Stewart seems to us to have opposed two modes of expression to each other, which, when they are thoroughly analysed, represent one and the same fact.

Leibnitz thought that Locke's admission of "ideas of reflection" furnished a ground for negotiating a reconciliation between his system and the opinions of those who, in the etymological sense of the word, are more metaphysical; and it may very well be doubted, whether the ideas of Locke much differed from the "innate ideas" of Descartes, especially as the latter philosopher explained the term, when he found himself pressed by acute objectors. "I never said or thought," says Descartes, "that the mind needs innate ideas, which are something different from its own faculty of thinking; but, as I observed certain thoughts to be in my mind, which neither proceeded from outward objects, nor were determined by my will, but merely from my own faculty of thinking, I called these 'innate ideas,' to distinguish them from such as are either adventitious (*i. e.* from without), or compounded by our imagination. I call them innate, in the same sense in which generosity is innate in some families, gout and stone in others; because the children of such families come into the world with a disposition to such virtue, or to such maladies."*

* This remarkable passage of Descartes is to be found in a

In a letter to Mersenne*, he says, "by the word 'idea' I understand all that can be in our thoughts, and I distinguish three sorts of ideas;—*adventitious*, like the common idea of the sun; *framed by the mind*, such as that which astronomical reasoning gives us of the sun; and *innate*, as the idea of God, mind, body, a triangle, and generally all those which represent true, immutable, and eternal essences." It must be owned, that, however nearly the first of these representations may approach to Mr. Locke's ideas of reflection, the second deviates from them very widely, and is not easily reconcilable with the first. The comparison of these two sentences strongly impeaches the steadiness and consistency of Descartes in the fundamental principles of his system.

A principle in science is a proposition from which many other propositions may be inferred. That principles, taken in this sense of propositions, are part of the original structure or furniture of the human mind, is an assertion so unreasonable, that perhaps no philosopher has avowedly, or at least permanently, adopted it. But it is not to be forgotten, that there must be certain general laws of perception, or ultimate facts respecting that province of mind, beyond which human knowledge cannot reach. Such facts bound our researches in every part of knowledge, and the ascertainment of them is the utmost possible attainment of Science. Beyond them there is nothing, or at least nothing discoverable by us. These observations, however universally acknowledged when

French translation of the preface and notes to the Principia Philosophiæ, probably by himself. — (Lettres de Descartes, vol. i. lett. 99.) It is justly observed by one of his most acute antagonists, that Descartes does not steadily adhere to this sense of the word "innate," but varies it in the exigencies of controversy, so as to give it at each moment the import which best suits the nature of the objection with which he has then to contend. — Huet, Censura Philosophiæ Cartesianæ, p. 93.

* Lettres, vol. ii. lett. 54.

they are stated, are often hid from the view of the system-builder when he is employed in rearing his airy edifice. There is a common disposition to exempt the philosophy of the human understanding from the dominion of that irresistible necessity which confines all other knowledge within the limits of experience; — arising probably from a vague notion that the science, without which the principles of no other are intelligible, ought to be able to discover the foundation even of its own principles. Hence the question among the German metaphysicians, "What makes experience possible?" Hence the very general indisposition among metaphysicians to acquiesce in any mere fact as the result of their inquiries, and to make vain exertions in pursuit of an explanation of it, without recollecting that the explanation must always consist of another fact, which must either equally require another explanation, or be equally independent of it. There is a sort of sullen reluctance to be satisfied with ultimate facts, which has kept its ground in the theory of the human mind long after it has been banished from all other sciences. Philosophers are, in this province, often led to waste their strength in attempts to find out what supports the foundation; and, in these efforts to prove first principles, they inevitably find that their proof must contain an assumption of the thing to be proved, and that their argument must return to the point from which it set out.

Mental philosophy can consist of nothing but facts; and it is at least as vain to inquire into the cause of thought, as into the cause of attraction. What the number and nature of the ultimate facts respecting mind may be, is a question which can only be determined by experience: and it is of the utmost importance not to allow their arbitrary multiplication, which enables some individuals to impose on us their own erroneous or uncertain speculations as the fundamental principles of human knowledge. No general criterion

has hitherto been offered, by which these last principles may be distinguished from all other propositions. Perhaps a practical standard of some convenience would be, *that all reasoners should be required to admit every principle of which the denial renders reasoning impossible.* This is only to require that a man should admit, in general terms, those principles which he must assume in every particular argument, and which he has assumed in every argument which he has employed against their existence. It is, in other words, to require that a disputant shall not contradict himself; for every argument against the fundamental laws of thought absolutely assumes their existence in the premises, while it totally denies it in the conclusion.

Whether it be among the ultimate facts in human nature, that the mind is disposed or determined to assent to some propositions, and to reject others, when they are first submitted to its judgment, without inferring their truth or falsehood from any process of reasoning, is manifestly as much a question of mere experience as any other which relates to our mental constitution. It is certain that such inherent inclinations may be conceived, without supposing the ideas of which the propositions are composed to be, in any sense, "innate"; if, indeed, that unfortunate word be capable of being reduced by definition to any fixed meaning. "Innate," says Lord Shaftesbury, "is the word Mr. Locke poorly plays with: the right word, though less used, is connate. The question is not about the time when the ideas enter the mind, but, *whether the constitution of man be such,* as at some time or other (no matter when), the ideas will not necessarily spring up in him." These are the words of Lord Shaftesbury in his Letters, which, not being printed in any edition of the Characteristics, are less known than they ought to be; though, in them, the fine genius and generous principles of the writer are

less hid by occasional affectation of style, than in any other of his writings.*

The above observations apply with still greater force to what Mr. Locke calls "practical principles." Here, indeed, he contradicts himself; for, having built one of his chief arguments against other speculative or practical principles, on what he thinks the incapacity of the majority of mankind to entertain those very abstract ideas, of which these principles, if innate, would imply the presence in every mind, he very inconsistently admits the existence of one innate practical principle,—"a desire of happiness, and an aversion to misery,"† without considering that happiness and misery are also abstract terms, which excite very indistinct conceptions in the minds of "a great part of mankind." It would be easy also to show, if this were a proper place, that the desire of happiness, so far from being an innate, is not even an original principle; that it presupposes the existence of all those particular appetites and desires of which the gratification is pleasure, and also the exercise of that deliberate reason which habitually examines how far each gratification, in all its consequences, increases or diminishes that sum of enjoyment which constitutes happiness. If that subject could be now fully treated, it would appear that this error of Mr. Locke, or another equally great, that we have only one practical principle,—the desire of pleasure,—is the root of most false theories of morals; and that it is also the source of many mistaken speculations on the important subjects of government and education, which at this moment mislead the friends of human improvement, and strengthen the arms of its enemies. But morals fell only incidentally under the consideration of Mr.

* Dr. Lee, an antagonist of Mr. Locke, has stated the question of innate ideas more fully than Shaftesbury, or even Leibnitz: he has also anticipated some of the reasonings of Buffier and Reid.—Lee's Notes on Locke, folio, London, 1702.

† Essay on Human Understanding, book i. chap. 3. § 3.

Locke; and his errors on that greatest of all sciences were the prevalent opinions of his age, which cannot be justly called the principles of Hobbes, though that extraordinary man had alone the boldness to exhibit these principles in connection with their odious but strictly logical consequences.

The exaggerations of this first book, however, afford a new proof of the author's steady regard to the highest interests of mankind. He justly considered the free exercise of reason as the highest of these, and that on the security of which all the others depend. The circumstances of his life rendered it a long warfare against the enemies of freedom in philosophising, freedom in worship, and freedom from every political restraint which necessity did not justify. In his noble zeal for liberty of thought, he dreaded the tendency of a doctrine which might "gradually prepare mankind to swallow that for an innate principle which may serve his purpose who teacheth them."* He may well be excused, if, in the ardour of his generous conflict, he sometimes carried beyond the bounds of calm and neutral reason his repugnance to doctrines which, as they were then generally explained, he justly regarded as capable of being employed to shelter absurdity from detection, to stop the progress of free inquiry, and to subject the general reason to the authority of a few individuals. Every error of Mr. Locke in speculation may be traced to the influence of some virtue;—at least every error except some of the erroneous opinions generally received in his age, which, with a sort of passive acquiescence, he suffered to retain their place in his mind.

It is with the second book that the Essay on the Human Understanding properly begins; and this book is the first considerable contribution in modern

* Chap. 4. § 24.

times towards the experimental * philosophy of the human mind. The road was pointed out by Bacon; and, by excluding the fallacious analogies of thought to outward appearance, Descartes may be said to have marked out the limits of the proper field of inquiry. But, before Locke, there was no example in intellectual philosophy of an ample enumeration of facts, collected and arranged for the express purpose of legitimate generalisation. He himself tells us, that his purpose was, "*in a plain historical method, to give an account* of the ways by which our understanding comes to attain those notions of things we have." In more modern phraseology, this would be called an attempt to ascertain, by observation, the most general facts relating to the origin of human knowledge. There is something in the plainness, and even homeliness of Locke's language, which strongly indicates his very clear conception, that experience must be his sole guide, and his unwillingness, by the use of scholastic language, to imitate the example of those who make a show of explaining facts, while in reality they only "darken counsel by words without knowledge." He is content to collect the laws of thought, as he would have collected those of any other object of physical knowledge, from observation alone. He seldom embarrasses himself with physiological hypotheses †, or wastes his

* This word "experimental" has the defect of not appearing to comprehend the knowledge which flows from *observation*, as well as that which is obtained by *experiment*. The German word "empirical," is applied to all the information which experience affords; but it is in our language degraded by another application. I therefore must use "experimental" in a larger sense than its etymology warrants.

† A stronger proof can hardly be required than the following sentence, of his freedom from physiological prejudice. "This laying up of our ideas in the repository of the memory, signifies no more but this, that the mind has the power in many cases to revive perceptions, with another perception annexed to them, that it has had them before." The same chapter is remarkable for the exquisite, and almost poetical beauty, of some of its illus-

strength on those insoluble problems which were then called metaphysical. Though, in the execution of his plan, there are many and great defects, the conception of it is entirely conformable to the Verulamian method of induction, which, even after the fullest enumeration of particulars, requires a cautious examination of each subordinate class of phenomena, before we attempt, through a very slowly ascending series of generalisations, to soar to comprehensive laws. "Philosophy," as Mr. Playfair excellently renders Bacon, "has either taken much from a few things, or too little from a great many; and in both cases has too narrow a basis to be of much duration or utility." Or, to use the very words of the Master himself—"We shall then have reason to hope well of the sciences, when we rise by continued steps from particulars to inferior axioms, and then to the middle, and only at last to the most general.* It is not so much by an appeal to experience (for some degree of that appeal is universal), as by the mode of conducting it, that the followers of Bacon are distinguished from the framers of hypotheses." It is one thing to borrow from experience just enough to make a supposition plausible; it is quite another to take from it all that is necessary to be the foundation of just theory.

trations. "Ideas quickly fade, and often vanish quite out of the understanding, leaving no more footsteps or remaining characters of themselves than shadows do flying over a field of corn."—"The ideas, as well as children of our youth, often die before us, and our minds represent to us those tombs to which we are approaching; where, though the brass and marble remain, yet the inscriptions are effaced by time, and the imagery moulders away. Pictures drawn in our minds are laid in fading colours, and, unless sometimes refreshed, vanish and disappear,"—book ii. chap. 10. This pathetic language must have been inspired by experience; and, though Locke could not have been more than fifty-six when he wrote these sentences, it is too well known that the first decays of memory may be painfully felt long before they can be detected by the keenest observer.

* Novum Organum, lib. i. § civ.

In this respect perhaps more than in any other, the philosophical writings of Locke are remarkably contrasted from those of Hobbes. The latter saw, with astonishing rapidity of intuition, some of the simplest and most general facts which may be observed in the operations of the understanding; and perhaps no man ever possessed the same facility of conveying his abstract speculations in language of such clearness, precision and force, as to engrave them on the mind of the reader. But he did not wait to examine whether there might not be other facts equally general relating to the intellectual powers; and he therefore "took too little from a great many things." He fell into the double error of hastily applying his general laws to the most complicated processes of thought, without considering whether these general laws were not themselves limited by other not less comprehensive laws, and without trying to discover how they were connected with particulars, by a scale of intermediate and secondary laws. This mode of philosophising was well suited to the dogmatic confidence and dictatorial tone which belonged to the character of the philosopher of Malmesbury, and which enabled him to brave the obloquy attendant on singular and obnoxious opinions. "The plain historical method," on the other hand, chosen by Mr. Locke, produced the natural fruits of caution and modesty; taught him to distrust hasty and singular conclusions; disposed him, on fit occasions, to entertain a mitigated scepticism; and taught him also the rare courage to make an ingenuous avowal of ignorance. This contrast is one of our reasons for doubting whether Locke be much indebted to Hobbes for his speculations; and certainly the mere coincidence of the opinions of two metaphysicians is slender evidence, in any case, that either of them has borrowed his opinions from the other. Where the premises are different, and they have reached the same conclusion by different roads, such a coincidence is scarcely any evidence at all.

Locke and Hobbes agree chiefly on those points in which, except the Cartesians, all the speculators of their age were also agreed. They differ on the most momentous questions, — the sources of knowledge, — the power of abstraction, — the nature of the will; on the two last of which subjects, Locke, by his very failures themselves, evinces a strong repugnance to the doctrines of Hobbes. They differ not only in all their premises, and many of their conclusions, but in their manner of philosophising itself. Locke had no prejudice which could lead him to imbibe doctrines from the enemy of liberty and religion. His style, with all its faults, is that of a man who thinks for himself; and an original style is not usually the vehicle of borrowed opinions.

Few books have contributed more than Mr. Locke's Essay to rectify prejudice; to undermine established errors; to diffuse a just mode of thinking; to excite a fearless spirit of inquiry, and yet to contain it within the boundaries which Nature has prescribed to the human understanding. An amendment of the general habits of thought is, in most parts of knowledge, an object as important as even the discovery of new truths; though it is not so palpable, nor in its nature so capable of being estimated by superficial observers. In the mental and moral world, which scarcely admits of any thing which can be called discovery, the correction of the intellectual habits is probably the greatest service which can be rendered to Science. In this respect the merit of Locke is unrivalled. His writings have diffused throughout the civilised world the love of civil liberty and the spirit of toleration and charity in religious differences, with the disposition to reject whatever is obscure, fantastic, or hypothetical in speculation, — to reduce verbal disputes to their proper value, — to abandon problems which admit of no solution, — to distrust whatever cannot be clearly expressed, — to render theory the simple expression of facts, — and to prefer

those studies which most directly contribute to human happiness. If Bacon first discovered the rules by which knowledge is improved, Locke has most contributed to make mankind at large observe them. He has done most, though often by remedies of silent and almost insensible operation, to cure those mental distempers which obstructed the adoption of these rules; and has thus led to that general diffusion of a healthful and vigorous understanding, which is at once the greatest of all improvements, and the instrument by which all other progress must be accomplished. He has left to posterity the instructive example of a prudent reformer, and of a philosophy temperate as well as liberal, which spares the feelings of the good, and avoids direct hostility with obstinate and formidable prejudice. These benefits are very slightly counterbalanced by some political doctrines liable to misapplication, and by the scepticism of some of his ingenious followers; — an inconvenience to which every philosophical school is exposed, which does not steadily limit its theory to a mere exposition of experience. If Locke made few discoveries, Socrates made none: yet both did more for the improvement of the understanding, and not less for the progress of knowledge, than the authors of the most brilliant discoveries. Mr. Locke will ever be regarded as one of the great ornaments of the English nation; and the most distant posterity will speak of him in the language addressed to him by the poet —

"O Decus Angliacæ certè, O Lux altera gentis!"*

* Gray, De Principiis Cogitandi.

A

DISCOURSE

ON THE

LAW OF NATURE AND NATIONS.*

BEFORE I begin a course of lectures on a science of great extent and importance, I think it my duty to lay before the public the reasons which have induced me to undertake such a labour, as well as a short account of the nature and objects of the course which I propose to deliver. I have always been unwilling to waste in unprofitable inactivity that leisure which the first years of my profession usually allow, and which diligent men, even with moderate talents, might often employ in a manner neither discreditable to themselves, nor wholly useless to others. Desirous that my own leisure should not be consumed in sloth, I anxiously looked about for some way of filling it up, which might enable me, according to the measure of my humble abilities, to contribute somewhat to the stock of general usefulness. I had long been convinced that public lectures, which have been used in most ages and countries to teach the elements of almost

* This discourse was the preliminary one of a course of lectures delivered in the hall of Lincoln's Inn during the spring of the year 1799. From the state of the original MSS. notes of these lectures, in the possession of the editor, it would seem that the lecturer had trusted, with the exception of a few passages prepared *in extenso*, to his powerful memory for all the aid that was required beyond what mere *catchwords* could supply. — ED.

every part of learning, were the most convenient mode in which these elements could be taught;—that they were the best adapted for the important purposes of awakening the attention of the student, of abridging his labours, of guiding his inquiries, of relieving the tediousness of private study, and of impressing on his recollection the principles of a science. I saw no reason why the law of England should be less adapted to this mode of instruction, or less likely to benefit by it, than any other part of knowledge. A learned gentleman, however, had already occupied that ground *, and will, I doubt not, persevere in the useful labour which he has undertaken. On his province it was far from my wish to intrude. It appeared to me that a course of lectures on another science closely connected with all liberal professional studies, and which had long been the subject of my own reading and reflection, might not only prove a most useful introduction to the law of England, but might also become an interesting part of general study, and an important branch of the education of those who were not destined for the profession of the law. I was confirmed in my opinion by the assent and approbation of men, whose names, if it were becoming to mention them on so slight an occasion, would add authority to truth, and furnish some excuse even for error. Encouraged by their approbation, I resolved without delay to commence the undertaking, of which I shall now proceed to give some account; without interrupting the progress of my discourse, by anticipating or answering the remarks of those who may, perhaps, sneer at me for a departure from the usual course of my profession, because I am desirous of employing in a rational and useful pursuit that leisure, which the same men would have required no account, if it had been wasted on trifles, or even abused in dissipation.

* See "A Syllabus of Lectures on the Law of England, to be delivered in Lincoln's-Inn Hall by M. Nolan, Esq."

The science which teaches the rights and duties of men and of states, has, in modern times, been called "the law of nature and nations." Under this comprehensive title are included the rules of morality, as they prescribe the conduct of private men towards each other in all the various relations of human life; as they regulate both the obedience of citizens to the laws, and the authority of the magistrate in framing laws, and administering government; and as they modify the intercourse of independent commonwealths in peace, and prescribe limits to their hostility in war. This important science comprehends only that part of private ethics which is capable of being reduced to fixed and general rules. It considers only those general principles of jurisprudence and politics which the wisdom of the lawgiver adapts to the peculiar situation of his own country, and which the skill of the statesman applies to the more fluctuating and infinitely varying circumstances which effect its immediate welfare and safety. "For there are in nature certain fountains of justice whence all civil laws are derived, but as streams; and like as waters do take tinctures and tastes from the soils through which they run, so do civil laws vary according to the regions and governments where they are planted, though they proceed from the same fountains."*

On the great questions of morality, of politics, and of municipal law, it is the object of this science to deliver only those fundamental truths of which the particular application is as extensive as the whole private and public conduct of men;—to discover those "fountains of justice," without pursuing the "streams" through the endless variety of their course. But another part of the subject is to be treated with greater

* Advancement of Learning, book ii. I have not been deterred by some petty incongruity of metaphor from quoting this noble sentence. Mr. Hume had, perhaps, this sentence in his recollection, when he wrote a remarkable passage of his works. See his Essays, vol. ii. p. 352.

fulness and minuteness of application; namely, that important branch of it which professes to regulate the relations and intercourse of states, and more especially (both on account of their greater perfection and their more immediate reference to use), the regulations of that intercourse as they are modified by the uses of the civilised nations of Christendom. Here this science no longer rests on general principles. That province of it which we now call the "law of nations," has, in many of its parts, acquired among European ones much of the precision and certainty of positive law; and the particulars of that law are chiefly to be found in the works of those writers who have treated the science of which I now speak. It is because they have classed (in a manner which seems peculiar to modern times) the duties of individuals with those of nations, and established their obligation on similar grounds, that the whole science has been called "the law of nature and nations."

Whether this appellation be the happiest that could have been chosen for the science, and by what steps it came to be adopted among our modern moralists and lawyers*, are inquiries, perhaps, of more curiosity

* The learned reader is aware that the "jus naturæ" and "jus gentium" of the Roman lawyers are phrases of very different import from the modern phrases, "law of nature" and "law of nations." "Jus naturale," says Ulpian, "est quod natura omnia animalia docuit." Quod naturalis ratio inter omnes homines constituit, id apud omnes peræque custoditur; vocaturque jus gentium." But they sometimes neglect this subtle distinction —"Jure naturali quod appellatur jus gentium." "Jus feciale" was the Roman term for our law of nations. "Belli quidem æquitas sanctissimè populi Rom. feciali jure perscripta est." De Officiis, lib. i. cap. ii. Our learned civilian Zouch has accordingly entitled his work, "De Jure Feciali, sive de Jure inter Gentes." The Chancellor D'Aguesseau, probably without knowing the work of Zouch, suggested that this law should be called, "Droit entre les Gens" (Œuvres, vol. ii. p. 337.), in which he has been followed by a late ingenious writer, Mr. Bentham (Introduction to the Principles of Morals and Legislation, p. 324.). Perhaps these learned writers do employ a phrase which expresses the

than use, and ones which, if they deserve any where to be deeply pursued, will be pursued with more propriety in a full examination of the subject than within the short limits of an introductory discourse. Names are, however, in a great measure arbitrary; but the distribution of knowledge into its parts, though it may often perhaps be varied with little disadvantage, yet certainly depends upon some fixed principles. The modern method of considering individual and national morality as the subjects of the same science, seems to me as convenient and reasonable an arrangement as can be adopted. The same rules of morality which hold together men in families, and which form families into commonwealths, also link together these commonwealths as members of the great society of mankind. Commonwealths, as well as private men, are liable to injury, and capable of benefit, from each other; it is, therefore, their interest, as well as their duty, to reverence, to practise, and to enforce those rules of justice which control and restrain injury, — which regulate and augment benefit, — which, even in their present imperfect observance, preserve civilised states in a tolerable condition of security from wrong, and which, if they could be generally obeyed, would establish, and permanently maintain, the well-being of the universal commonwealth of the human race. It is therefore with justice, that one part of this science has been called "the natural law of *individuals*," and the other "the natural law of *states*;" and it is too obvious to require observation *, that the application of both these laws, of the former as much as of the latter, is modified and varied by customs, conventions, character, and situation. With a view to these principles, the writers on general

subject of this law with more accuracy than our common language; but I doubt whether innovations in the terms of science always repay us by their superior precision for the uncertainty and confusion which the change occasions.

* This remark is suggested by an objection of Vattel, which is more specious than solid. See his Preliminaries, § 6.

jurisprudence have considered states as moral persons; a mode of expression which has been called a fiction of law, but which may be regarded with more propriety as a bold metaphor, used to convey the important truth, that nations, though they acknowledge no common superior, and neither can, nor ought, to be subjected to human punishment, are yet under the same obligations mutually to practise honesty and humanity, which would have bound individuals,—if the latter could be conceived ever to have subsisted without the protecting restraints of government, and if they were not compelled to the discharge of their duty by the just authority of magistrates, and by the wholesome terrors of the laws. With the same views this law has been styled, and (notwithstanding the objections of some writers to the vagueness of the language) appears to have been styled with great propriety, "the law of nature." It may with sufficient correctness, or at least by an easy metaphor, be called a "law," inasmuch as it is a supreme, invariable, and uncontrollable rule of conduct to all men, the violation of which is avenged by natural punishments, necessarily flowing from the constitution of things, and as fixed and inevitable as the order of nature. It is "the law of nature," because its general precepts are essentially adapted to promote the happiness of man, as long as he remains a being of the same nature with which he is at present endowed, or, in other words, as long as he continues to be man, in all the variety of times, places, and circumstances, in which he has been known, or can be imagined to exist; because it is discoverable by natural reason, and suitable to our natural constitution; and because its fitness and wisdom are founded on the general nature of human beings, and not on any of those temporary and accidental situations in which they may be placed. It is with still more propriety, and indeed with the highest strictness, and the most perfect accuracy, considered as a law, when, according to those just

and magnificent views which philosophy and religion open to us of the government of the world, it is received and reverenced as the sacred code, promulgated by the great Legislator of the Universe for the guidance of His creatures to happiness;—guarded and enforced, as our own experience may inform us, by the penal sanctions of shame, of remorse, of infamy, and of misery; and still farther enforced by the reasonable expectation of yet more awful penalties in a future and more permanent state of existence. It is the contemplation of the law of nature under this full, mature, and perfect idea of its high origin and transcendant dignity, that called forth the enthusiasm of the greatest men, and the greatest writers of ancient and modern times, in those sublime descriptions, in which they have exhausted all the powers of language, and surpassed all the other exertions, even of their own eloquence, in the display of its beauty and majesty. It is of this law that Cicero has spoken in so many parts of his writings, not only with all the splendour and copiousness of eloquence, but with the sensibility of a man of virtue, and with the gravity and comprehension of a philosopher.* It is of this law that Hooker speaks in so sublime a strain:—"Of Law, no less can be said, than that her seat is the bosom of God, her voice the harmony of the world; all things in heaven

* "Est quidem vera lex recta ratio, naturæ congruens, diffusa in omnes, constans, sempiterna; quæ vocet ad officium jubendo, vetando à fraude deterreat, quæ tamen neque probos frustra jubet aut vetat, neque improbos jubendo aut vetando movet. Huic legi neque obrogari fas est, neque derogari ex hac aliquid licet, neque tota abrogari potest. Nec verò aut per senatum aut per populum solvi hac lege possumus: neque est quærendus explanator aut interpres ejus alius. Nec erit alia lex Romæ, alia Athenis, alia nunc, alia posthac; sed et omnes gentes et omni tempore una lex et sempiterna, et immutabilis continebit; unusque erit communis quasi magister et imperator omnium Deus, ille legis hujus inventor, disceptator, lator: cui qui non parebit *ipse se fugiet et naturam hominis aspernabitur*, atque hoc ipso luet maximas pœnas, etiamsi cætera supplicia, quæ putantur, effugerit." —De Repub. lib. iii. cap. 22.

and earth do her homage, the very least as feeling her care, the greatest as not exempted from her power; both angels and men, and creatures of what condition soever, though each in different sort and manner, yet all with uniform consent admiring her as the mother of their peace and joy."*

Let not those who, to use the language of the same Hooker, "talk of truth," without "ever sounding the depth from whence it springeth," hastily take it for granted, that these great masters of eloquence and reason were led astray by the specious delusions of mysticism, from the sober consideration of the true grounds of morality in the nature, necessities, and interests of man. They studied and taught the principles of morals; but they thought it still more necessary, and more wise,—a much nobler task, and more becoming a true philosopher, to inspire men with a love and reverence for virtue.† They were not contented with elementary speculations: they examined the foundations of our duty; but they felt and cherished a most natural, a most seemly, a most rational enthusiasm, when they contemplated the majestic edifice which is reared on these solid foundations. They devoted the highest exertions of their minds to spread that beneficent enthusiasm among men. They consecrated as a homage to Virtue the most perfect fruits of their genius. If these grand sentiments of "the good and fair" have sometimes prevented them from delivering the principles of ethics with the nakedness and dryness of science, at least we must own that they have chosen the better part,—that they have preferred virtuous feeling to moral

* Ecclesiastical Polity, book i. in the conclusion.

† "Age verò urbibus constitutis, ut fidem colere et justitiam retinere discerent, et aliis parere suâ voluntate consuescerent, ac non modò labores excipiendos communis commodi causâ, sed etiam vitam amittendam existimarent; qui tandem fieri potuit, nisi homines ea, quæ ratione invenissent, eloquentiâ persuadere potuissent?"—De Invent. Rhet. lib. i. cap. 2.

theory, and practical benefit to speculative exactness. Perhaps these wise men may have supposed that the minute dissection and anatomy of Virtue might, to the ill-judging eye, weaken the charm of her beauty.

It is not for me to attempt a theme which has perhaps been exhausted by these great writers. I am indeed much less called upon to display the worth and usefulness of the law of nations, than to vindicate myself from presumption in attempting a subject which has been already handled by so many masters. For the purpose of that vindication it will be necessary to sketch a very short and slight account (for such in this place it must unavoidably be) of the progress and present state of the science, and of that succession of able writers who have gradually brought it to its present perfection.

We have no Greek or Roman treatise remaining on the law of nations. From the title of one of the lost works of Aristotle, it appears that he composed a treatise on the laws of war*, which, if we had the good fortune to possess it, would doubtless have amply satisfied our curiosity, and would have taught us both the practice of the ancient nations and the opinions of their moralists, with that depth and precision which distinguish the other works of that great philosopher. We can now only imperfectly collect that practice and those opinions from various passages which are scattered over the writings of philosophers, historians, poets, and orators. When the time shall arrive for a more full consideration of the state of the government and manners of the ancient world, I shall be able, perhaps, to offer satisfactory reasons why these enlightened nations did not separate from the general province of ethics that part of morality which regulates the intercourse of states, and erect it into an independent science. It would require a long discussion to unfold the various causes

* Δικαιώματα τῶν πολέμων.

which united the modern nations of Europe into a closer society, — which linked them together by the firmest bands of mutual dependence, and which thus, in process of time, gave to the law that regulated their intercourse, greater importance, higher improvement, and more binding force. Among these causes, we may enumerate a common extraction, a common religion, similar manners, institutions, and languages; in earlier ages the authority of the See of Rome, and the extravagant claims of the imperial crown; in later times the connections of trade, the jealousy of power, the refinement of civilisation, the cultivation of science, and, above all, that general mildness of character and manners which arose from the combined and progressive influence of chivalry, of commerce, of learning, and of religion. Nor must we omit the similarity of those political institutions which in every country that had been over-run by the Gothic conquerors, bore discernible marks (which the revolutions of succeeding ages had obscured, but not obliterated) of the rude but bold and noble outline of liberty that was originally sketched by the hand of these generous barbarians. These and many other causes conspired to unite the nations of Europe in a more intimate connection and a more constant intercourse, and, of consequence, made the regulation of their intercourse more necessary, and the law that was to govern it more important. In proportion as they approached to the condition of provinces of the same empire, it became almost as essential that Europe should have a precise and comprehensive code of the law of nations, as that each country should have a system of municipal law. The labours of the learned, accordingly, began to be directed to this subject in the sixteenth century, soon after the revival of learning, and after that regular distribution of power and territory which has subsisted, with little variation, until our times. The critical examination of these early writers would perhaps not be very interesting

in an extensive work, and it would be unpardonable in a short discourse. It is sufficient to observe that they were all more or less shackled by the barbarous philosophy of the schools, and that they were impeded in their progress by a timorous deference for the inferior and technical parts of the Roman law, without raising their views to the comprehensive principles which will for ever inspire mankind with veneration for that grand monument of human wisdom. It was only, indeed, in the sixteenth century that the Roman law was first studied and understood as a science connected with Roman history and literature, and illustrated by men whom Ulpian and Papinian would not have disdained to acknowledge as their successors.* Among the writers of that age we may perceive the ineffectual attempts, the partial advances, the occasional streaks of light which always precede great discoveries, and works that are to instruct posterity.

The reduction of the law of nations to a system was reserved for Grotius. It was by the advice of Lord Bacon and Peiresc that he undertook this arduous task. He produced a work which we now, indeed, justly deem imperfect, but which is perhaps the most complete that the world has yet owed, at so early a stage in the progress of any science, to the genius and learning of one man. So great is the uncertainty of posthumous reputation, and so liable is the fame even of the greatest men to be obscured by those new fashions of thinking and writing which succeed each other so rapidly among polished nations, that Grotius, who filled so large a space in the eye of his contemporaries, is now perhaps known to some of my readers only by name. Yet if we fairly estimate both his

* Cujacius, Brissonius, Hottomannus, &c., &c.—See Gravina Origines Juris Civilis (Lips. 1737), pp. 132—138. Leibnitz, a great mathematician as well as philosopher, declares that he knows nothing which approaches so near to the method and precision of Geometry as the Roman law.—Op. vol. iv. p. 254.

endowments and his virtues, we may justly consider him as one of the most memorable men who have done honour to modern times. He combined the discharge of the most important duties of active and public life with the attainment of that exact and various learning which is generally the portion only of the recluse student. He was distinguished as an advocate and a magistrate, and he composed the most valuable works on the law of his own country; he was almost equally celebrated as an historian, a scholar, a poet, and a divine;—a disinterested statesman, a philosophical lawyer, a patriot who united moderation with firmness, and a theologian who was taught candour by his learning. Unmerited exile did not damp his patriotism; the bitterness of controversy did not extinguish his charity. The sagacity of his numerous and fierce adversaries could not discover a blot on his character; and in the midst of all the hard trials and galling provocations of a turbulent political life, he never once deserted his friends when they were unfortunate, nor insulted his enemies when they were weak. In times of the most furious civil and religious faction he preserved his name unspotted, and he knew how to reconcile fidelity to his own party, with moderation towards his opponents.

Such was the man who was destined to give a new form to the law of nations, or rather to create a science, of which only rude sketches and undigested materials were scattered over the writings of those who had gone before him. By tracing the laws of his country to their principles, he was led to the contemplation of the law of nature, which he justly considered as the parent of all municipal law.* Few works were more celebrated than that of Grotius in his own days, and in the age which succeeded. It has, however, been the fashion of the last half-century

* "Proavia juris civilis."—De Jure Belli ac Pacis, proleg. § xvi.

to depreciate his work as a shapeless compilation, in which reason lies buried under a mass of authorities and quotations. This fashion originated among French wits and declaimers, and it has been, I know not for what reason, adopted, though with far greater moderation and decency, by some respectable writers among ourselves. As to those who first used this language, the most candid supposition that we can make with respect to them is, that they never read the work; for, if they had not been deterred from the perusal of it by such a formidable display of Greek characters, they must soon have discovered that Grotius never quotes on any subject till he has first appealed to some principles, and often, in my humble opinion, though not always, to the soundest and most rational principles.

But another sort of answer is due to some of those* who have criticised Grotius, and that answer might be given in the words of Grotius himself.† He was not of such a stupid and servile cast of mind, as to quote the opinions of poets or orators, of historians and philosophers, as those of judges, from whose decision there was no appeal. He quotes them, as he tells us himself, as witnesses whose conspiring testimony, mightily strengthened and confirmed by their discordance on almost every other subject, is a conclusive proof of the unanimity of the whole human race on the great rules of duty and the fundamental principles of morals. On such matters, poets and orators are the most unexceptionable of all witnesses; for they address themselves to the general feelings and sympathies of mankind; they are neither warped by system, nor perverted by sophistry; they can attain none of their objects, they can neither please nor persuade, if they dwell on moral sentiments not in unison

* Dr. Paley, Principles of Moral and Political Philosophy, pref. pp. xiv. xv.

† De Jure Belli, proleg. § 40.

with those of their readers. No system of moral philosophy can surely disregard the general feelings of human nature and the according judgment of all ages and nations. But where are these feelings and that judgment recorded and preserved? In those very writings which Grotius is gravely blamed for having quoted. The usages and laws of nations, the events of history, the opinions of philosophers, the sentiments of orators and poets, as well as the observation of common life, are, in truth, the materials out of which the science of morality is formed; and those who neglect them are justly chargeable with a vain attempt to philosophise without regard to fact and experience, — the sole foundation of all true philosophy.

If this were merely an objection of taste, I should be willing to allow that Grotius has indeed poured forth his learning with a profusion that sometimes rather encumbers than adorns his work, and which is not always necessary to the illustration of his subject. Yet, even in making that concession, I should rather yield to the taste of others than speak from my own feelings. I own that such richness and splendour of literature have a powerful charm for me. They fill my mind with an endless variety of delightful recollections and associations. They relieve the understanding in its progress through a vast science, by calling up the memory of great men and of interesting events. By this means we see the truths of morality clothed with all the eloquence, — not that could be produced by the powers of one man, — but that could be bestowed on them by the collective genius of the world. Even Virtue and Wisdom themselves acquire new majesty in my eyes, when I thus see all the great masters of thinking and writing called together, as it were, from all times and countries, to do them homage, and to appear in their train.

But this is no place for discussions of taste, and I am very ready to own that mine may be corrupted. The work of Grotius is liable to a more serious objec-

tion, though I do not recollect that it has ever been made. His method is inconvenient and unscientific: he has inverted the natural order. That natural order undoubtedly dictates, that we should first search for the original principles of the science in human nature; then apply them to the regulation of the conduct of individuals; and lastly employ them for the decision of those difficult and complicated questions that arise with respect to the intercourse of nations. But Grotius has chosen the reverse of this method. He begins with the consideration of the states of peace and war, and he examines original principles only occasionally and incidentally as they grow out of the questions which he is called upon to decide. It is a necessary consequence of this disorderly method, — which exhibits the elements of the science in the form of scattered digressions, that he seldom employs sufficient discussion on these fundamental truths, and never in the place where such a discussion would be most instructive to the reader.

This defect in the plan of Grotius was perceived, and supplied, by Puffendorff, who restored natural law to that superiority which belonged to it, and, with great propriety, treated the law of nations as only one main branch of the parent stock. Without the genius of his master, and with very inferior learning, he has yet treated this subject with sound sense, with clear method, with extensive and accurate knowledge, and with a copiousness of detail sometimes indeed tedious, but always instructive and satisfactory. His work will be always studied by those who spare no labour to acquire a deep knowledge of the subject; but it will, in our times, I fear, be oftener found on the shelf than on the desk of the general student. In the time of Mr. Locke it was considered as the manual of those who were intended for active life; but in the present age, I believe it will be found that men of business are too much occupied, — men of letters are too fastidious, — and men of the world too indolent, for the

study or even the perusal of such works. Far be it from me to derogate from the real and great merit of so useful a writer as Puffendorff. His treatise is a mine in which all his successors must dig. I only presume to suggest, that a book so prolix, and so utterly void of all the attractions of composition, is likely to repel many readers who are interested in its subject, and who might perhaps be disposed to acquire some knowledge of the principles of public law.

Many other circumstances might be mentioned, which conspire to prove that neither of the great works of which I have spoken, has superseded the necessity of a new attempt to lay before the public a system of the law of nations. The language of Science is so completely changed since both these works were written, that whoever was now to employ their terms in his moral reasonings would be almost unintelligible to some of his hearers or readers,—and to some among them too who are neither ill qualified, nor ill disposed, to study such subjects with considerable advantage to themselves. The learned, indeed, well know how little novelty or variety is to be found in scientific disputes. The same truths and the same errors have been repeated from age to age, with little variation but in the language; and novelty of expression is often mistaken by the ignorant for substantial discovery. Perhaps, too, very nearly the same portion of genius and judgment has been exerted in most of the various forms under which science has been cultivated at different periods of history. The superiority of those writers who continue to be read, perhaps often consists chiefly in taste, in prudence, in a happy choice of subject in a favourable moment, in an agreeable style, in the good fortune of a prevalent language, or in other advantages which are either accidental, or are the result rather of the secondary, than of the highest, faculties of the mind. But these reflections, while they moderate the pride of invention, and dispel the extravagant conceit of superior illu-

mination, yet serve to prove the use, and indeed the necessity, of composing, from time to time, new systems of science adapted to the opinions and language of each succeeding period. Every age must be taught in its own language. If a man were now to begin a discourse on ethics with an account of the "moral entities" of Puffendorff *, he would speak an unknown tongue.

It is not, however, alone as a mere translation of former writers into modern language that a new system of public law seems likely to be useful. The age in which we live possesses many advantages which are peculiarly favourable to such an undertaking. Since the composition of the great works of Grotius and Puffendorff, a more modest, simple, and intelligible philosophy has been introduced into the schools; which has indeed been grossly abused by sophists, but which, from the time of Locke, has been cultivated and improved by a succession of disciples worthy of their illustrious master. We are thus enabled to discuss with precision, and to explain with clearness, the principles of the science of human nature, which are in themselves on a level with the capacity of every man of good sense, and which only appeared to be abstruse from the unprofitable subtleties with which they were loaded, and the barbarous jargon in which they were expressed. The deepest doctrines of morality have since that time been treated in the perspicuous and popular style, and with some degree of the beauty and eloquence of the ancient moralists. That philosophy on which are founded the principles of our duty, if it has not become more certain (for mo-

* I do not mean to impeach the soundness of any part of Puffendorff's reasoning founded on moral entities: it may be explained in a manner consistent with the most just philosophy. He used, as every writer must do, the scientific language of his own time. I only assert that, to those who are unacquainted with ancient systems, his philosophical vocabulary is obsolete and unintelligible.

rality admits no discoveries), is at least less "harsh and crabbed," less obscure and haughty in its language, and less forbidding and disgusting in its appearance, than in the days of our ancestors. If this progress of leaning towards popularity has engendered (as it must be owned that it has) a multitude of superficial and most mischievous sciolists, the antidote must come from the same quarter with the disease: popular reason can alone correct popular sophistry.

Nor is this the only advantage which a writer of the present age would possess over the celebrated jurists of the last century. Since that time vast additions have been made to the stock of our knowledge of human nature. Many dark periods of history have since been explored: many hitherto unknown regions of the globe have been visited and described by travellers and navigators not less intelligent than intrepid. We may be said to stand at the confluence of the greatest number of streams of knowledge flowing from the most distant sources that ever met at one point. We are not confined, as the learned of the last age generally were, to the history of those renowned nations who are our masters in literature. We can bring before us man in a lower and more abject condition than any in which he was ever before seen. The records have been partly opened to us of those mighty empires of Asia* where the beginnings

* I cannot prevail on myself to pass over this subject without paying my humble tribute to the memory of Sir William Jones, who has laboured so successfully in Oriental literature; whose fine genius, pure taste, unwearied industry, unrivalled and almost prodigious variety of acquirements, — not to speak of his amiable manners, and spotless integrity, — must fill every one who cultivates or admires letters with reverence, tinged with a melancholy which the recollection of his recent death is so well adapted to inspire. I hope I shall be pardoned if I add my applause to the genius and learning of Mr. Maurice, who treads in the steps of his illustrious friend, and who has bewailed his death in a strain

of civilisation are lost in the darkness of an unfathomable antiquity. We can make human society pass in review before our mind, from the brutal and helpless barbarism of Terra del Fuego, and the mild and voluptuous savages of Otaheite, to the tame, but ancient and immoveable civilisation of China, which bestows its own arts on every successive race of conquerors,—to the meek and servile natives of Hindostan, who preserve their ingenuity, their skill, and their science, through a long series of ages, under the yoke of foreign tyrants,—and to the gross and incorrigible rudeness of the Ottomans, incapable of improvement, and extinguishing the remains of civilisation among their unhappy subjects, once the most ingenious nations of the earth. We can examine almost every imaginable variety in the character, manners, opinions, feelings, prejudices, and institutions of mankind, into which they can be thrown, either by the rudeness of barbarism, or by the capricious corruptions of refinement, or by those innumerable combinations of circumstances, which, both in these opposite conditions, and in all the intermediate stages between them, influence or direct the course of human affairs. History, if I may be allowed the expression, is now a vast museum, in which specimens of every variety of human nature may be studied. From these great accessions to knowledge, lawgivers and statesmen, but, above all, moralists and political philosophers, may reap the most important instruction. They may plainly discover in all the useful and beautiful variety of governments and institutions, and under all the fantastic multitude of usages and rites which have prevailed among men, the same fundamental, comprehensive truths, the sacred master-principles which are the guardians of human society, recognised and revered (with few and slight exceptions) by every nation upon earth, and

of genuine and beautiful poetry, not unworthy of happier periods of our English literature.

uniformly taught (with still fewer exceptions) by a succession of wise men from the first dawn of speculation to the present moment. The exceptions, few as they are, will, on more reflection, be found rather apparent than real. If we could raise ourselves to that height from which we ought to survey so vast a subject, these exceptions would altogether vanish; the brutality of a handful of savages would disappear in the immense prospect of human nature, and the murmurs of a few licentious sophists would not ascend to break the general harmony. This consent of mankind in first principles, and this endless variety in their application, which is one among many valuable truths which we may collect from our present extensive acquaintance with the history of man, is itself of vast importance. Much of the majesty and authority of virtue is derived from their consent, and almost the whole of practical wisdom is founded on their variety.

What former age could have supplied facts for such a work as that of Montesquieu? He indeed has been, perhaps justly, charged with abusing this advantage, by the undistinguishing adoption of the narratives of travellers of very different degrees of accuracy and veracity. But if we reluctantly confess the justness of this objection; if we are compelled to own that he exaggerates the influence of climate, — that he ascribes too much to the foresight and forming skill of legislators, and far too little to time and circumstances, in the growth of political constitutions, — that the substantial character and essential differences of governments are often lost and confounded in his technical language and arrangement, — that he often bends the free and irregular outline of nature to the imposing but fallacious geometrical regularity of system, — that he has chosen a style of affected abruptness, sententiousness, and vivacity, ill suited to the gravity of his subject; — after all these concessions (for his fame is large enough to spare many concessions), the Spirit of Laws will still remain not only one of the most solid

and durable monuments of the powers of the human mind, but a striking evidence of the inestimable advantages which political philosophy may receive from a wide survey of all the various conditions of human society.

In the present century a slow and silent, but very substantial, mitigation has taken place in the practice of war; and in proportion as that mitigated practice has received the sanction of time, it is raised from the rank of mere usage, and becomes part of the law of nations. Whoever will compare our present modes of warfare with the system of Grotius* will clearly discern the immense improvements which have taken place in that respect since the publication of his work, during a period, perhaps in every point of view the happiest to be found in the history of the world. In the same period many important points of public law have been the subject of contest both by argument and by arms, of which we find either no mention, or very obscure traces, in the history of preceding times.

There are other circumstances to which I allude with hesitation and reluctance, though it must be owned that they afford to a writer of this age some degree of unfortunate and deplorable advantage over his predecessors. Recent events have accumulated more terrible practical instruction on every subject of politics than could have been in other times acquired by the experience of ages. Men's wit sharpened by their passions has penetrated to the bottom of almost all political questions. Even the fundamental rules of morality themselves have, for the first time, unfortunately for mankind, become the subject of doubt and discussion. I shall consider it as my duty to abstain from all mention of these awful events, and of these fatal controversies. But the mind of that man must indeed be incurious and indocile, who has

* Especially those chapters of the third book, entitled, "Temperamentum circa Captivos," &c.

either overlooked all these things, or reaped no instruction from the contemplation of them.

From these reflections it appears, that, since the composition of those two great works on the law of nature and nations which continue to be the classical and standard works on that subject, we have gained both more convenient instruments of reasoning and more extensive materials for science, — that the code of war has been enlarged and improved, — that new questions have been practically decided, — and that new controversies have arisen regarding the intercourse of independent states, and the first principles of morality and civil government.

Some readers may, however, think that in these observations which I offer to excuse the presumption of my own attempt, I have omitted the mention of later writers, to whom some part of the remarks is not justly applicable. But, perhaps, further consideration will acquit me in the judgment of such readers. Writers on particular questions of public law are not within the scope of my observations. They have furnished the most valuable materials; but I speak only of a system. To the large work of Wolffius, the observations which I have made on Puffendorff as a book for general use, will surely apply with tenfold force. His abridger, Vattel, deserves, indeed, considerable praise; he is a very ingenious, clear, elegant, and useful writer. But he only considers one part of this extensive subject, — namely, the law of nations, strictly so called; and I cannot help thinking, that, even in this department of the science, he has adopted some doubtful and dangerous principles, — not to mention his constant deficiency in that fulness of example and illustration, which so much embellishes and strengthens reason. It is hardly necessary to take any notice of the text-book of Heineccius, the best writer of elementary books with whom I am acquainted on any subject. Burlamaqui is an author of superior

merit; but he confines himself too much to the general principles of morality and politics, to require much observation from me in this place. The same reason will excuse me for passing over in silence the works of many philosophers and moralists, to whom, in the course of my proposed lectures, I shall owe and confess the greatest obligations; and it might perhaps deliver me from the necessity of speaking of the work of Dr. Paley, if I were not desirous of this public opportunity of professing my gratitude for the instruction and pleasure which I have received from that excellent writer, who possesses, in so eminent a degree, those invaluable qualities of a moralist,—good sense, caution, sobriety, and perpetual reference to convenience and practice; and who certainly is thought less original than he really is, merely because his taste and modesty have led him to disdain the ostentation of novelty, and because he generally employs more art to blend his own arguments with the body of received opinions (so as that they are scarce to be distinguished), than other men, in the pursuit of a transient popularity, have exerted to disguise the most miserable common-places in the shape of paradox.

No writer since the time of Grotius, of Puffendorff, and of Wolf, has combined an investigation of the principles of natural and public law, with a full application of these principles to particular cases; and in these circumstances, I trust, it will not be deemed extravagant presumption in me to hope that I shall be able to exhibit a view of this science, which shall, at least, be more intelligible and attractive to students, than the learned treatises of these celebrated men. I shall now proceed to state the general plan and subjects of the lectures in which I am to make this attempt.

I. The being whose actions the law of nature professes to regulate, is man. It is on the knowledge of his nature that the science of his duty must be

founded.* It is impossible to approach the threshold of moral philosophy without a previous examination of the faculties and habits of the human mind. Let no reader be repelled from this examination by the odious and terrible name of "metaphysics;" for it is, in truth, nothing more than the employment of good sense, in observing our own thoughts, feelings, and actions; and when the facts which are thus observed are expressed, as they ought to be, in plain language, it is, perhaps, above all other sciences, most on a level with the capacity and information of the generality of thinking men. When it is thus expressed, it requires no previous qualification, but a sound judgment perfectly to comprehend it; and those who wrap it up in a technical and mysterious jargon, always give us strong reason to suspect that they are not philosophers, but impostors. Whoever thoroughly understands such a science, must be able to teach it plainly to all men of common sense. The proposed course will therefore open with a very short, and, I hope, a very simple and intelligible account of the powers and operations of the human mind. By this plain statement of facts, it will not be difficult to decide many celebrated though frivolous and merely verbal, controversies, which have long amused the leisure of the schools, and which owe both their fame and their existence to the ambiguous obscurity of scholastic language. It will, for example, only require an appeal to every man's experience, to prove that we often act purely from a regard to the happiness of others, and are therefore social beings; and it is not necessary to be a consummate judge of the deceptions of language, to despise the sophistical trifler, who tells us, that, because we experience a gratification in our benevolent actions, we are therefore exclusively and uniformly selfish. A correct exa-

* "Natura enim juris explicanda est nobis, eaque ab hominis repetenda naturâ."—De Leg. lib. i. c. 5.

mination of facts will lead us to discover that quality which is common to all virtuous actions, and which distinguishes them from those which are vicious and criminal. But we shall see that it is necessary for man to be governed, not by his own transient and hasty opinion upon the tendency of every particular action, but by those fixed and unalterable rules, which are the joint result of the impartial judgment, the natural feelings, and the embodied experience of mankind. The authority of these rules is, indeed, founded only on their tendency to promote private and public welfare; but the morality of actions will appear solely to consist in their correspondence with the rule. By the help of this obvious distinction we shall vindicate a just theory, which, far from being modern, is, in fact, as ancient as philosophy, both from plausible objections, and from the odious imputation of supporting those absurd and monstrous systems which have been built upon it. Beneficial tendency is the foundation of rules, and the criterion by which habits and sentiments are to be tried: but it is neither the immediate standard, nor can it ever be the principal motive of action. An action to be completely virtuous, must accord with moral rules, and must flow from our natural feelings and affections, moderated, matured, and improved into steady habits of right conduct.* Without, however, dwelling longer on subjects which cannot be clearly stated, unless they are fully unfolded, I content myself with observing, that it shall be my object, in this preliminary, but most important, part of the course, to lay the foundations of morality so deeply in human nature, as to satisfy the coldest inquirer; and, at the same time, to vindicate the paramount authority of the rules of our duty, at all times, and in all places, over all opinions of interest and speculations of benefit, so extensively, so universally, and so inviolably, as may well justify

* "Est autem virtus nihil aliud, quam in se perfecta atque ad summum perducta natura."—De Leg. lib. i. c. 8.

the grandest and the most apparently extravagant effusions of moral enthusiasm. If, notwithstanding all my endeavours to deliver these doctrines with the utmost simplicity, any of my auditors should still reproach me for introducing such abstruse matters, I must shelter myself behind the authority of the wisest of men. "If they (the ancient moralists), before they had come to the popular and received notions of virtue and vice, had staid a little longer upon the inquiry concerning *the roots of good and evil*, they had given, in my opinion, a great light to that which followed; and especially if they had consulted with nature, they had made their doctrines less prolix, and more profound."* What Lord Bacon desired for the mere gratification of scientific curiosity, the welfare of mankind now imperiously demands. Shallow systems of metaphysics have given birth to a brood of abominable and pestilential paradoxes, which nothing but a more profound philosophy can destroy. However we may, perhaps, lament the necessity of discussions which may shake the habitual reverence of some men for those rules which it is the chief interest of all men to practise, we have now no choice left. We must either dispute, or abandon the ground. Undistinguishing and unmerited invectives against philosophy will only harden sophists and their disciples in the insolent conceit, that they are in possession of an undisputed superiority of reason; and that their antagonists have no arms to employ against them, but those of popular declamation. Let us not for a moment even appear to suppose, that philosophical truth and human happiness are so irreconcilably at variance. I cannot express my opinion on this subject so well as in the words of a most valuable, though generally neglected writer: "The science of abstruse learning, when completely attained, is like Achilles's spear, that healed the wounds it had made before; so

* Advancement of Learning, book ii.

this knowledge serves to repair the damage itself had occasioned, and this perhaps is all it is good for; it casts no additional light upon the paths of life, but disperses the clouds with which it had overspread them before; it advances not the traveller one step in his journey, but conducts him back again to the spot from whence he wandered. Thus the land of philosophy consists partly of an open champaign country, passable by every common understanding, and partly of a range of woods, traversable only by the speculative, and where they too frequently delight to amuse themselves. Since then we shall be obliged to make incursions into this latter track, and shall probably find it a region of obscurity, danger, and difficulty, it behoves us to use our utmost endeavours for enlightening and smoothing the way before us."* We shall, however, remain in the forest only long enough to visit the fountains of those streams which flow from it, and which water and fertilise the cultivated region of morals, to become acquainted with the modes of warfare practised by its savage inhabitants, and to learn the means of guarding our fair and fruitful land against their desolating incursions. I shall hasten from speculations, to which I am naturally, perhaps, but too prone, and proceed to the more profitable consideration of our practical duty.

The first and most simple part of ethics is that which regards the duties of private men towards each other, when they are considered apart from the sanction of positive laws. I say *apart* from that sanction, not *antecedent* to it; for though we *separate* private from political duties for the sake of greater clearness and order in reasoning, yet we are not to be so deluded by this mere arrangement of convenience as to suppose that human society ever has subsisted, or ever could subsist, without being protected by government, and bound together by laws. All these rela-

* Light of Nature, vol. i. pref. p. xxxiii.

tive duties of private life have been so copiously and beautifully treated by the moralists of antiquity, that few men will now choose to follow them, who are not actuated by the wild ambition of equalling Aristotle in precision, or rivalling Cicero in eloquence. They have been also admirably treated by modern moralists, among whom it would be gross injustice not to number many of the preachers of the Christian religion, whose peculiar character is that spirit of universal charity, which is the living principle of all our social duties. For it was long ago said, with great truth, by Lord Bacon, "that there never was any philosophy, religion, or other discipline, which did so plainly and highly exalt that good which is communicative, and depress the good which is private and particular, as the Christian faith."* The appropriate praise of this religion is not so much that it has taught new duties, as that it breathes a milder and more benevolent spirit over the whole extent of morals.

On a subject which has been so exhausted, I should naturally have contented myself with the most slight and general survey, if some fundamental principles had not of late been brought into question, which, in all former times, have been deemed too evident to require the support of argument, and almost too sacred to admit the liberty of discussion. I shall here endeavour to strengthen some parts of the fortifications of morality which have hitherto been neglected, because no man had ever been hardy enough to attack them. Almost all the relative duties of human life will be found more immediately, or more remotely, to arise out of the two great institutions of property and marriage. They constitute, preserve, and improve society. Upon their gradual improvement depends the progressive civilisation of mankind; on them rests the whole order of civil life. We are told by Horace, that the first

* Advancement of Learning, book ii.

efforts of lawgivers to civilise men consisted in strengthening and regulating these institutions, and fencing them round with rigorous penal laws.

> "Oppida cœperunt munire, et ponere leges,
> Ne quis fur esset, neu latro, neu quis adulter."*

A celebrated ancient orator†, of whose poems we have but a few fragments remaining, has well described the progressive order in which human society is gradually led to its highest improvements under the guardianship of those laws which secure property and regulate marriage.

> "Et leges sanctas docuit, et chara jugavit
> Corpora conjugiis; et magnas condidit urbes."

These two great institutions convert the selfish as well as the social passions of our nature into the firmest bands of a peaceable and orderly intercourse; they change the sources of discord into principles of quiet: they discipline the most ungovernable, they refine the grossest, and they exalt the most sordid propensities; so that they become the perpetual fountain of all that strengthens, and preserves, and adorns society: they sustain the individual, and they perpetuate the race. Around these institutions all our social duties will be found at various distances to range themselves; some more near, obviously essential to the good order of human life; others more remote, and of which the necessity is not at first view so apparent; and some so distant, that their importance has been sometimes doubted, though upon more mature consideration they will be found to be outposts and advanced guards of these fundamental principles, — that man should securely enjoy the fruits of his labour, and that the society of the sexes should be so wisely ordered, as to make it a school of the kind affections, and a fit nursery for the commonwealth.

The subject of property is of great extent. It will

* Sermon. lib. i. Serm. iii. 105. † C. Licinius Calvus.

be necessary to establish the foundation of the rights of acquisition, alienation, and transmission, not in imaginary contracts or a pretended state of nature, but in their subserviency to the subsistence and well-being of mankind. It will not only be curious, but useful, to trace the history of property from the first loose and transient occupancy of the savage, through all the modifications which it has at different times received, to that comprehensive, subtle, and anxiously minute code of property which is the last result of the most refined civilisation.

I shall observe the same order in considering the society of the sexes, as it is regulated by the institution of marriage.* I shall endeavour to lay open those unalterable principles of general interest on which that institution rests; and if I entertain a hope that on this subject I may be able to add something to what our masters in morality have taught us, I trust, that the reader will bear in mind, as an excuse for my presumption, that *they* were not likely to employ much argument where they did not foresee the possibility of doubt. I shall also consider the history† of marriage, and trace it through all the forms

* See on this subject an incomparable fragment of the first book of Cicero's Economics, which is too long for insertion here, but which, if it be closely examined, may perhaps dispel the illusion of those gentlemen, who have so strangely taken it for granted that Cicero was incapable of exact reasoning.

† This progress is traced with great accuracy in some beautiful lines of Lucretius:—

——— Mulier, conjuncta viro, concessit in unum;
Castaque privatæ Veneris connubia læta
Cognita sunt, prolemque ex se vidêre creatam;
Tum genus humanum primum mollescere cœpit.
——————— puerique parentum
Blanditiis facile ingenium fregere superbum.
Tunc et amicitiam cœperunt ungere, habentes
Finitimi inter se, nec lædere, nec violare;
Et pueros commendârunt, muliebreque sæclum,
Vocibus et gestu; cum balbè significarent,
Imbecillorum esse æquum miserier omni.

De Rerum Nat. lib. v.

which it has assumed, to that descent and happy permanency of union, which has, perhaps above all other causes, contributed to the quiet of society, and the refinement of manners in modern times. Among many other inquiries which this subject will suggest, I shall be led more particularly to examine the natural station and duties of the female sex, their condition among different nations, its improvement in Europe, and the bounds which Nature herself has prescribed to the progress of that improvement; beyond which every pretended advance will be a real degradation.

Having established the principles of private duty, I shall proceed to consider man under the important relation of subject and sovereign, or, in other words, of citizen and magistrate. The duties which arise from this relation I shall endeavour to establish, not upon supposed compacts, which are altogether chimerical, which must be admitted to be false in fact, and which, if they are to be considered as fictions, will be found to serve no purpose of just reasoning, and to be equally the foundation of a system of universal despotism in Hobbes, and of universal anarchy in Rousseau; but on the solid basis of general convenience. Men cannot subsist without society and mutual aid; they can neither maintain social intercourse nor receive aid from each other without the protection of government; and they cannot enjoy that protection without submitting to the restraints which a just government imposes. This plain argument establishes the duty of obedience on the part of the citizens, and the duty of protection on that of magistrates, on the same foundation with that of every other moral duty; and it shows, with sufficient evidence, that these duties are reciprocal; — the only rational end for which the fiction of a contract should have been invented. I shall not encumber my reasoning by any speculations on the origin of government, — a question on which so much reason has been

wasted in modern times; but which the ancients* in a higher spirit of philosophy have never once mooted. If our principles be just, our origin of government must have been coeval with that of mankind; and as no tribe has ever been discovered so brutish as to be without some government, and yet so enlightened as to establish a government by common consent, it is surely unnecessary to employ any serious argument in the confutation of the doctrine that is inconsistent with reason, and unsupported by experience. But though all inquiries into the origin of government be chimerical, yet the history of its progress is curious and useful. The various stages through which it passed from savage independence, which implies every man's power of injuring his neighbour, to legal liberty, which consists in every man's security against wrong; the manner in which a family expands into a tribe, and tribes coalesce into a nation, — in which public justice is gradually engrafted on private revenge, and temporary submission ripened into habitual obedience; form a most important and extensive subject of inquiry, which comprehends all the improvements of mankind in police, in judicature, and in legislation.

I have already given the reader to understand that the description of liberty which seems to me the most comprehensive, is that of *security against wrong.* Liberty is therefore the object of all government. Men are more free under every government, even the most imperfect, than they would be if it were possible for them to exist without any government at all: they

* The introduction to the first book of Aristotle's Politics is the best demonstration of the necessity of political society to the well-being, and indeed to the very being, of man, with which I am acquainted. Having shown the circumstances which render man necessarily a social being, he justly concludes, "Καὶ ὅτι ἄνθρωπος φύσει πολιτικὸν ζῶον." The same scheme of philosophy is admirably pursued in the short, but invaluable fragment of the sixth book of Polybius, which describes the history and revolutions of government.

are more secure from wrong, more undisturbed in the exercise of their natural powers, and therefore more free, even in the most obvious and grossest sense of the word, than if they were altogether unprotected against injury from each other. But as general security is enjoyed in very different degrees under different governments, those which guard it most perfectly, are by the way of eminence called "free." Such governments attain most completely the end which is common to all government. A free constitution of government and a good constitution of government are therefore different expressions for the same idea.

Another material distinction, however, soon presents itself. In most civilised states the subject is tolerably protected against gross injustice from his fellows by impartial laws, which it is the manifest interest of the sovereign to enforce: but some commonwealths are so happy as to be founded on a principle of much more refined and provident wisdom. The subjects of such commonwealths are guarded not only against the injustice of each other, but (as far as human prudence can contrive) against oppression from the magistrate. Such states, like all other extraordinary examples of public or private excellence and happiness, are thinly scattered over the different ages and countries of the world. In them the will of the sovereign is limited with so exact a measure, that his protecting authority is not weakened. Such a combination of skill and fortune is not often to be expected, and indeed never can arise, but from the constant though gradual exertions of wisdom and virtue, to improve a long succession of most favourable circumstances. There is, indeed, scarce any society so wretched as to be destitute of some sort of weak provision against the injustice of their governors. Religious institutions, favourite prejudices, national manners, have in different countries, with unequal degrees of force, checked or mitigated the exercise of

supreme power. The privileges of a powerful nobility, of opulent mercantile communities, of great judicial corporations, have in some monarchies approached more near to a control on the sovereign. Means have been devised with more or less wisdom to temper the despotism of an aristocracy over their subjects, and in democracies to protect the minority against the majority, and the whole people against the tyranny of demagogues. But in these unmixed forms of government, as the right of legislation is vested in one individual or in one order, it is obvious that the legislative power may shake off all the restraints which the laws have imposed on it. All such governments, therefore, tend towards despotism, and the securities which they admit against misgovernment are extremely feeble and precarious. The best security which human wisdom can devise, seems to be the distribution of political authority among different individuals and bodies, with separate interests, and separate characters, corresponding to the variety of classes of which civil society is composed,—each interested to guard their own order from oppression by the rest,—each also interested to prevent any of the others from seizing on exclusive, and therefore despotic power; and all having a common interest to co-operate in carrying on the ordinary and necessary administration of government. If there were not an interest to resist each other in extraordinary cases, there would not be liberty: if there were not an interest to co-operate in the ordinary course of affairs, there could be no government. The object of such wise institutions, which make selfishness of governors a security against their injustice, is to protect men against wrong both from their rulers and their fellows. Such governments are, with justice, peculiarly and emphatically called "free;" and in ascribing that liberty to the skilful combination of mutual dependence and mutual check, I feel my own conviction greatly strengthened by calling to mind, that in this opinion

I agree with all the wise men who have ever deeply considered the principles of politics;—with Aristotle and Polybius, with Cicero and Tacitus, with Bacon and Machiavel, with Montesquieu and Hume.* It is impossible in such a cursory sketch as the present, even to allude to a very small part of those philosophical principles, political reasonings, and historical facts, which are necessary for the illustration of this momentous subject. In a full discussion of it I shall be obliged to examine the general frame of the most celebrated governments of ancient and modern times, and especially of those which have been most renowned for their freedom. The result of such an examination will be, that no institution so detestable as an absolutely unbalanced government, perhaps ever existed; that the simple governments are mere creatures of the imagination of theorists, who have transformed names used for convenience of arrangement into real politics; that, as constitutions of government approach more nearly to that unmixed and uncontrolled simplicity they become despotic, and as they recede farther from that simplicity they become free.

* To the weight of these great names let me add the opinion of two illustrious men of the present age, as both their opinions are combined by one of them in the following passages: "He (Mr. Fox) always thought any of the simple unbalanced governments bad; simple monarchy, simple aristocracy, simple democracy; he held them all imperfect or vicious, all were bad by themselves; the composition alone was good. These had been always his principles, in which he agreed with his friend, Mr. Burke."—Speech on the Army Estimates, 9th Feb. 1790. In speaking of both these illustrious men, whose names I here join, as they will be joined in fame by posterity, which will forget their temporary differences in the recollection of their genius and their friendship, I do not entertain the vain imagination that I can add to their glory by any thing that I can say. But it is a gratification to me to give utterance to my feelings; to express the profound veneration with which I am filled for the memory of the one, and the warm affection which I cherish for the other, whom no one ever heard in public without admiration, or knew in private life without loving.

By the constitution of a state, I mean "the body of those written and unwritten fundamental laws which regulate the most important rights of the higher magistrates, and the most essential privileges * of the subjects." Such a body of political laws must in all countries arise out of the character and situation of a people; they must grow with its progress, be adapted to its peculiarities, change with its changes, and be incorporated with its habits. Human wisdom cannot form such a constitution by one act, for human wisdom cannot create the materials of which it is composed. The attempt, always ineffectual, to change by violence the ancient habits of men, and the established order of society, so as to fit them for an absolutely new scheme of government, flows from the most presumptuous ignorance, requires the support of the most ferocious tyranny, and leads to consequences which its authors can never foresee, — generally, indeed, to institutions the most opposite to those of which they profess to seek the establishment. † But human wisdom indefatigably employed in remedying abuses, and in seizing favourable opportunities of improving that order of society which arises from causes over which we have little control, after the reforms and amendments of a series of ages, has sometimes, though very rarely, shown itself capable of building up a

* Privilege, in Roman jurisprudence, means the *exemption* of one individual from the operation of a law. Political privileges, in the sense in which I employ the terms, mean those rights of the subjects of a free state, which are deemed so essential to the well-being of the commonwealth, that they are *excepted* from the ordinary discretion of the magistrate, and guarded by the same fundamental laws which secure his authority.

† See an admirable passage on this subject in Dr. Smith's Theory of Moral Sentiments (vol. ii. pp. 101—112.), in which the true doctrine of reformation is laid down with singular ability by that eloquent and philosophical writer. See also Mr. Burke's Speech on Economical Reform; and Sir M. Hale on the Amendment of Laws, in the Collection of my learned and most excellent friend, Mr. Hargrave, p. 248.

free constitution, which is "the growth of time and nature, rather than the work of human invention."* Such a constitution can only be formed by the wise imitation of "the great innovator Time, which, indeed, innovateth greatly, but quietly, and by degrees scarce to be perceived."† Without descending to the puerile ostentation of panegyric, on that of which all mankind confess the excellence, I may observe, with truth and soberness, that a free government not only establishes a universal security against wrong, but that it also cherishes all the noblest powers of the human mind; that it tends to banish both the mean and the ferocious vices; that it improves the national character to which it is adapted, and out of which it grows; that its whole administration is a practical school of honesty and humanity; and that there the social affections, expanded into public spirit, gain a wider sphere, and a more active spring.

I shall conclude what I have to offer on government, by an account of the constitution of England. I shall endeavour to trace the progress of that constitution by the light of history, of laws, and of records, from the earliest times to the present age; and to show how the general principles of liberty, originally common to it with the other Gothic monarchies of Europe, but in other countries lost or obscured, were in this more fortunate island preserved, matured, and adapted to the progress of civilisation. I shall attempt to exhibit this most complicated machine, as our history and our laws show it in action; and not as

* Pour former un gouvernement modéré, il faut combiner les puissances, les régler, les tempérer, les faire agir; donner pour ainsi dire un lest à l'une, pour la mettre en état de résister à une autre; c'est un chef-d'œuvre de législation que le hasard fait rarement, et que rarement on laisse faire à la prudence. Un gouvernement despotique au contraire saute, pour ainsi dire, aux yeux; il est uniforme partout: comme il ne faut que des passions pour l'établir, tout le monde est bon pour cela. — Montesquieu, De l'Esprit de Loix, liv. v. c. 14.

† Bacon, Essay xxiv. (Of Innovations.)

some celebrated writers have most imperfectly represented it, who have torn out a few of its more simple springs, and putting them together, miscal them the British constitution. So prevalent, indeed, have these imperfect representations hitherto been, that I will venture to affirm, there is scarcely any subject which has been less treated as it deserved than the government of England. Philosophers of great and merited reputation * have told us that it consisted of certain portions of monarchy, aristocracy, and democracy,—names which are, in truth, very little applicable, and which, if they were, would as little give an idea of this government, as an account of the weight of bone, of flesh, and of blood in a human body, would be a picture of a living man. Nothing but a patient and minute investigation of the practice of the government in all its parts, and through its whole history, can give us just notions on this important subject. If a lawyer, without a philosophical spirit, be unequal to the examination of this great work of liberty and wisdom, still more unequal is a philosopher without practical, legal, and historical knowledge; for the first may want skill, but the second wants materials. The observations of Lord Bacon on political writers, in general, are most applicable to those who have given us systematic descriptions of the English constitution. "All those who have written of governments have written as philosophers, or as lawyers, *and none as statesmen.* As for the philosophers, they make imaginary laws for imaginary commonwealths, and their discourses are as the stars, which give little light because they are so high."—"Hæc cognitio ad viros civiles propriè pertinet," as he tells us in another part of his writings; but unfortunately no experienced philosophical British statesman has yet devoted his

* The reader will perceive that I allude to Montesquieu, whom I never name without reverence, though I shall presume, with humility, to criticise his account of a government which he only saw at a distance.

leisure to a delineation of the constitution, which such a statesman alone can practically and perfectly know.

In the discussion of this great subject, and in all reasonings on the principles of politics, I shall labour, above all things, to avoid that which appears to me to have been the constant source of political error: — I mean the attempt to give an air of system, of simplicity, and of rigorous demonstration, to subjects which do not admit it. The only means by which this could be done, was by referring to a few simple causes, what, in truth, arose from immense and intricate combinations, and successions of causes. The consequence was very obvious. The system of the theorist, disencumbered from all regard to the real nature of things, easily assumed an air of speciousness: it required little dexterity, to make his arguments appear conclusive. But all men agreed that it was utterly inapplicable to human affairs. The theorist railed at the folly of the world, instead of confessing his own; and the man of practice unjustly blamed Philosophy, instead of condemning the sophist. The causes which the politician has to consider are, above all others, multiplied, mutable, minute, subtile, and, if I may so speak, evanescent, — perpetually changing their form, and varying their combinations, — losing their nature, while they keep their name, — exhibiting the most different consequences in the endless variety of men and nations on whom they operate, — in one degree of strength producing the most signal benefit, and, under a slight variation of circumstances, the most tremendous mischiefs. They admit indeed of being reduced to theory: but to a theory formed on the most extensive views, of the most comprehensive and flexible principles, to embrace all their varieties, and to fit all their rapid transmigrations, — a theory, of which the most fundamental maxim is, distrust in itself, and deference for practical prudence. Only two writers of former times have, as far as I know, observed this

general defect of political reasoners; but these two are the greatest philosophers who have ever appeared in the world. The first of them is Aristotle, who, in a passage of his Politics *, to which I cannot at this moment turn, plainly condemns the pursuit of a delusive geometrical accuracy in moral reasonings as the constant source of the grossest error. The second is Lord Bacon, who tells us, with that authority of conscious wisdom which belongs to him, and with that power of richly adorning Truth from the wardrobe of Genius which he possessed above *almost* all men, "Civil knowledge is conversant about a subject which, above all others, is most immersed in matter, and hardliest reduced to axiom."†

I shall next endeavour to lay open the general principles of civil and criminal laws. On this subject I may with some confidence hope that I shall be enabled to philosophise with better materials by my acquaintance with the laws of my own country, which it is the business of my life to practise, and of which the study has by habit become my favourite pursuit.

The first principles of jurisprudence are simple maxims of Reason, of which the observance is immediately discovered by experience to be essential to the security of men's rights, and which pervade the laws of all countries. An account of the gradual application of these original principles, first to more simple, and afterwards to more complicated cases, forms both the history and the theory of law. Such an historical account of the progress of men, in re-

* Probably book iii. cap. 11.—Ed.

† This principle is expressed by a writer of a very different character from these two great philosophers,—a writer, "qu'on n'appellera plus philosophe, mais qu'on appellera le plus éloquent des sophistes," with great force, and, as his manner is, with some exaggeration. "Il n'y a point de principes abstraits dans la politique. C'est une science des calculs, des combinaisons, et des exceptions, selon les lieux, les tems, et les circonstances."—Lettre de Rousseau au Marquis de Mirabeau. The second proposition is true; but the first is not a just inference from it.

ducing justice to an applicable and practical system, will enable us to trace that chain, in which so many breaks and interruptions are perceived by superficial observers, but which in truth inseparably, though with many dark and hidden windings, links together the security of life and property with the most minute and apparently frivolous formalities of legal proceeding. We shall perceive that no human foresight is sufficient to establish such a system at once, and that if it were so established, the occurrence of unforeseen cases would shortly altogether change it; that there is but one way of forming a civil code, either consistent with common sense, or that has ever been practised in any country, — namely, that of gradually building up the law in proportion as the facts arise which it is to regulate. We shall learn to appreciate the merit of vulgar objections against the subtilty and complexity of laws. We shall estimate the good sense and the gratitude of those who reproach lawyers for employing all the powers of their mind to discover subtle distinctions for the prevention of injustice*; and we shall at once perceive that laws ought to be neither more simple nor more complex than the state of society which they are to govern, but that they ought exactly to correspond to it. Of the two faults, however, the excess of simplicity would certainly be the greatest; for laws, more complex than are necessary, would only produce embarrassment; whereas laws more simple than the affairs which they regulate would occasion a defeat of Justice. More understanding has perhaps been in this manner exerted to fix the rules of life than in any other science†; and it is certainly the

* "The casuistical subtilties are not perhaps greater than the subtilties of lawyers; but the latter are innocent, and even necessary."—Hume, Essays, vol. ii. p. 558.

† "Law," said Dr. Johnson, "is the science in which the greatest powers of the understanding are applied to the greatest number of facts." Nobody, who is acquainted with the variety and multiplicity of the subjects of jurisprudence, and with the

most honourable occupation of the understanding, because it is the most immediately subservient to general safety and comfort. There is not, in my opinion, in the whole compass of human affairs, so noble a spectacle as that which is displayed in the progress of jurisprudence; where we may contemplate the cautious and unwearied exertions of a succession of wise men, through a long course of ages, withdrawing every case as it arises from the dangerous power of discretion, and subjecting it to inflexible rules,—extending the dominion of justice and reason, and gradually contracting, within the narrowest possible limits, the domain of brutal force and of arbitrary will. This subject has been treated with such dignity by a writer who is admired by all mankind for his eloquence, but who is, if possible, still more admired by all competent judges for his philosophy,—a writer, of whom I may justly say, that he was "gravissimus et dicendi et intelligendi auctor et magister,"—that I cannot refuse myself the gratification of quoting his words:—"The science of jurisprudence, the pride of the human intellect, which, with all its defects, redundancies, and errors, is the collected reason of ages combining the principles of original justice with the infinite variety of human concerns."*

I shall exemplify the progress of law, and illustrate those principles of Universal Justice on which it is founded, by a comparative review of the two greatest civil codes that have been hitherto formed,—those of Rome and of England†,—of their agreements and

prodigious powers of discrimination employed upon them, can doubt the truth of this observation.

* Burke, Works, vol. iii. p. 134.

† On the intimate connection of these two codes, let us hear the words of Lord Holt, whose name never can be pronounced without veneration, as long as wisdom and integrity are revered among men:—"Inasmuch as the laws of all nations are doubtless raised out of the ruins of the civil law, as all governments are sprung out of the ruins of the Roman empire, it must be owned that the principles of our law are borrowed from the civil

disagreements, both in general provisions, and in some of the most important parts of their minute practice. In this part of the course, which I mean to pursue with such detail as to give a view of both codes, that may perhaps be sufficient for the purposes of the general student, I hope to convince him that the laws of civilised nations, particularly those of his own, are a subject most worthy of scientific curiosity; that principle and system run through them even to the minutest particular, as really, though not so apparently, as in other sciences, and applied to purposes more important than those of any other science. Will it be presumptuous to express a hope, that such an inquiry may not be altogether a useless introduction to that larger and more detailed study of the law of England, which is the duty of those who are to profess and practise that law?

In considering the important subject of criminal law, it will be my duty to found, on a regard to the general safety, the right of the magistrate to inflict punishments, even the most severe, if that safety cannot be effectually protected by the example of inferior punishments. It will be a more agreeable part of my office to explain the temperaments which Wisdom, as well as Humanity, prescribes in the exercise of that harsh right, unfortunately so essential to the preservation of human society. I shall collate the penal codes of different nations, and gather together the most accurate statement of the result of experience with respect to the efficacy of lenient and severe punishments; and I shall endeavour to ascertain the principles on which must be founded both the proportion and the appropriation of penalties to crimes. As to the law of criminal proceeding, my labour will be very easy; for on that subject an English lawyer, if he were to delineate the model of

law, therefore grounded upon the same reason in many things." — 12 Mod. Rep. 482.

perfection, would find that, with few exceptions, he had transcribed the institutions of his own country.

The next great division of the subject is the "law of nations," strictly and properly so called. I have already hinted at the general principles on which this law is founded. They, like all the principles of natural jurisprudence, have been more happily cultivated, and more generally obeyed, in some ages and countries than in others; and, like them, are susceptible of great variety in their application, from the character and usage of nations. I shall consider these principles in the gradation of those which are necessary to any tolerable intercourse between nations, of those which are essential to all well-regulated and mutually advantageous intercourse, and of those which are highly conducive to the preservation of a mild and friendly intercourse between civilised states. Of the first class, every understanding acknowledges the necessity, and some traces of a faint reverence for them are discovered even among the most barbarous tribes; of the second, every well-informed man perceives the important use, and they have generally been respected by all polished nations; of the third, the great benefit may be read in the history of modern Europe, where alone they have been carried to their full perfection. In unfolding the first and second class of principles, I shall naturally be led to give an account of that law of nations, which, in greater or less perfection, regulated the intercourse of savages, of the Asiatic empires, and of the ancient republics. The third brings me to the consideration of the law of nations, as it is now acknowledged in Christendom. From the great extent of the subject, and the particularity to which, for reasons already given, I must here descend, it is impossible for me, within my moderate compass, to give even an outline of this part of the course. It comprehends, as every reader will perceive, the principles of national independence, the intercourse of nations in peace, the privileges of ambassadors and

inferior ministers, the commerce of private subjects, the grounds of just war, the mutual duties of belligerent and neutral powers, the limits of lawful hostility, the rights of conquest, the faith to be observed in warfare, the force of an armistice, — of safe conducts and passports, the nature and obligation of alliances, the means of negotiation, and the authority and interpretation of treaties of peace. All these, and many other most important and complicated subjects, with all the variety of moral reasoning, and historical examples which is necessary to illustrate them, must be fully examined in that part of the lectures, in which I shall endeavour to put together a tolerably complete practical system of the law of nations, as it has for the last two centuries been recognised in Europe.

"Le droit des gens est naturellement fondé sur ce principe, que les diverses nations doivent se faire, dans la paix le plus de bien, et dans la guerre le moins de mal, qu'il est possible, sans nuire à leurs véritables intérêts. L'objet de la guerre c'est la victoire; celui de la victoire la conquête; celui de la conquête la conservation. De ce principe et du précédent, doivent dériver toutes les loix qui forment le droit des gens. Toutes les nations ont un droit des gens; et les Iroquois même, qui mangent leurs prisonniers, en ont un. Ils envoient et reçoivent des embassades; ils connoissent les droits de la guerre et de la paix: le mal est que ce droit des gens n'est pas fondé sur les vrais principes."*

As an important supplement to the practical system of our modern law of nations, or rather as a necessary part of it, I shall conclude with a survey of the diplomatic and conventional law of Europe, and of the treaties which have materially affected the distribution of power and territory among the European states, — the circumstances which gave rise to them, the changes which they effected, and the principles which they

* De l'Esprit des Loix, liv. i. c. 3.

introduced into the public code of the Christian commonwealth. In ancient times the knowledge of this conventional law was thought one of the greatest praises that could be bestowed on a name loaded with all the honours that eminence in the arts of peace and war can confer: "Equidem existimo, judices, cùm in omni genere ac varietate artium, etiam illarum, quæ sine summo otio non facilè discuntur, Cn. Pompeius excellat, singularem quandam laudem ejus et præstabilem esse scientiam, in fœderibus, pactionibus, conditionibus, populorum, regum, exterarum nationum: in universo denique belli jure ac pacis."* Information on this subject is scattered over an immense variety of voluminous compilations, not accessible to every one, and of which the perusal can be agreeable only to a very few. Yet so much of these treaties has been embodied into the general law of Europe, that no man can be master of it who is not acquainted with them. The knowledge of them is necessary to negotiators and statesmen; it may sometimes be important to private men in various situations in which they may be placed; it is useful to all men who wish either to be acquainted with modern history, or to form a sound judgment on political measures. I shall endeavour to give such an abstract of it as may be sufficient for some, and a convenient guide for others in the farther progress of their studies. The treaties which I shall more particularly consider will be those of Westphalia, of Oliva, of the Pyrenees, of Breda, of Nimeguen, of Ryswick, of Utrecht, of Aix-la-Chapelle, of Paris (1763), and of Versailles (1783). I shall shortly explain the other treaties, of which the stipulations are either alluded to, confirmed, or abrogated in those which I consider at length. I shall subjoin an account of the diplomatic intercourse of the European powers with the Ottoman Porte, and with other princes and states who are without the pale of our

* Cic. Orat. pro L. Corn. Balbo, c. vi.

ordinary federal law; together with a view of the most important treaties of commerce, their principles, and their consequences.

As an useful appendix to a practical treatise on the law of nations, some account will be given of those tribunals which in different countries of Europe decide controversies arising out of that law; of their constitution, of the extent of their authority, and of their modes of proceeding; more especially of those courts which are peculiarly appointed for that purpose by the laws of Great Britain.

Though the course, of which I have sketched the outline, may seem to comprehend so great a variety of miscellaneous subjects, yet they are all in truth closely and inseparably interwoven. The duties of men, of subjects, of princes, of lawgivers, of magistrates, and of states, are all parts of one consistent system of universal morality. Between the most abstract and elementary maxim of moral philosophy, and the most complicated controversies of civil or public law, there subsists a connection which it will be the main object of these lectures to trace. The principle of justice, deeply rooted in the nature and interest of man, pervades the whole system, and is discoverable in every part of it, even to its minutest ramification in a legal formality, or in the construction of an article in a treaty.

I know not whether a philosopher ought to confess, that in his inquiries after truth he is biassed by any consideration, — even by the love of virtue. But I, who conceive that a real philosopher ought to regard truth itself chiefly on account of its subserviency to the happiness of mankind, am not ashamed to confess, that I shall feel a great consolation at the conclusion of these lectures, if, by a wide survey and an exact examination of the conditions and relations of human nature, I shall have confirmed but one individual in the conviction, that justice is the permanent interest of all men, and of all commonwealths. To discover

one new link of that eternal chain by which the Author of the universe has bound together the happiness and the duty of His creatures, and indissolubly fastened their interests to each other, would fill my heart with more pleasure than all the fame with which the most ingenious paradox ever crowned the most eloquent sophist. I shall conclude this Discourse in the noble language of two great orators and philosophers, who have, in a few words, stated the substance, the object, and the result of all morality, and politics, and law. "Nihil est quod adhuc de republicâ putem dictum, et quo possim longius progredi, nisi sit confirmatum, non modo falsum esse illud, sine injuriâ non posse, sed hoc verissimum, sine summâ justitiâ rempublicam geri nullo modo posse."* "Justice is itself the great standing policy of civil society, and any eminent departure from it, under any circumstances, lies under the suspicion of being no policy at all."†

* Cic. De Repub. lib. ii. † Burke, Works, vol. iii. p. 207.

LIFE

OF

SIR THOMAS MORE.

ARISTOTLE and Bacon, the greatest philosophers of the ancient and modern world, agree in representing poetry as being of a more excellent nature than history. Agreeably to the predominance of mere understanding in Aristotle's mind, he alleges as his cause of preference that poetry regards general truth, or conformity to universal nature; while history is conversant only with a confined and accidental truth, dependent on time, place, and circumstance. The ground assigned by Bacon is such as naturally issued from that fusion of imagination with reason, which constitutes his philosophical genius. Poetry is ranked more highly by him, because the poet presents us with a pure excellence and an unmingled grandeur, not to be found in the coarse realities of life or of history; but which the mind of man, although not destined to reach, is framed to contemplate with delight.

The general difference between biography and history is obvious. There have been many men in every age whose lives are full of interest and instruction; but who, having never taken a part in public affairs, are altogether excluded from the province of the historian: there have been also, probably, equal numbers who have influenced the fortune of nations in peace or in war, of the peculiarities of whose cha-

racter we have no information; and who, for the pu
poses of the biographer, may be said to have had
private life. These are extreme cases: but there a
other men, whose manners and acts are equally we
known, whose individual lives are deeply interesting
whose characteristic qualities are peculiarly striking,
who have taken an important share in events con-
nected with the most extraordinary revolutions of
human affairs, and whose biography becomes more
difficult from that combination and intermixture of
private with public occurrences, which render it in-
structive and interesting. The variety and splendour
of the lives of such men render it often difficult to
distinguish the portion of them which ought to be
admitted into history, from that which should be re-
served for biography. Generally speaking, these two
parts are so distinct and unlike, that they cannot be
confounded without much injury to both;—as when
the biographer hides the portrait of the individual by
a crowded and confined picture of events, or when
the historian allows unconnected narratives of the
lives of men to break the thread of history. The
historian contemplates only the surface of human
nature, adorned and disguised (as when actors per-
form brilliant parts before a great audience), in the
midst of so many dazzling circumstances, that it is
hard to estimate the intrinsic worth of individuals,—
and impossible, in an historical relation, to exhibit the
secret springs of their conduct. The biographer en-
deavours to follow the hero and the statesman, from
the field, the council, or the senate, to his private
dwelling, where, in the midst of domestic ease, or of
social pleasure, he throws aside the robe and the
mask, becomes again a man instead of an actor, and,
in spite of himself, often betrays those frailties and
singularities which are visible in the countenance and
voice, the gesture and manner, of every one when he
is not playing a part. It is particularly difficult to
observe the distinction in the case of Sir Thomas More,

because he was so perfectly natural a man that he carried his amiable peculiarities into the gravest deliberations of state, and the most solemn acts of law. Perhaps nothing more can be universally laid down, than that the biographer never ought to introduce public events, except in as far as they are absolutely necessary to the illustration of character, and that the historian should rarely digress into biographical particulars, except in as far as they contribute to the clearness of his narrative of political occurrences.

Sir Thomas More was born in Milk Street, in the city of London, in the year 1480, three years before the death of Edward IV. His family was respectable —no mean advantage at that time. His father, Sir John More, who was born about 1440, was entitled by his descent to use an armorial bearing, — a privilege guarded strictly and jealously as the badge of those who then began to be called gentry, and who, though separated from the lords of parliament by political rights, yet formed with them in the order of society one body, corresponding to those called noble in the other countries of Europe. Though the political power of the barons was on the wane, the social position of the united body of nobility and gentry retained its dignity.* Sir John More was one of the justices of the court of King's Bench to the end of his long life; and, according to his son's account, well

* "In Sir Thomas More's epitaph, he describes himself as 'born of no noble family, but of an honest stock,' (or in the words of the original, familiâ non celebri, sed honestâ natus,) a true translation, as we here take *nobility* and *noble*; for none under a baron, except he be of the privy council, doth challenge it; and in this sense he meant it; but as the Latin word *nobilis* is taken in other countries for gentrie, it was otherwise. Sir John More bare arms from his birth; and though we cannot certainly tell who were his ancestors, they must needs be gentlemen."—Life of More (commonly reputed to be) by Thomas More, his great grandson, pp. 3, 4. This book will be cited henceforward as "More."

performed the peaceable duties of civil life, being gentle in his deportment, blameless, meek and merciful, an equitable judge, and an upright man.*

Sir Thomas More received the first rudiments of his education at St. Anthony's school, in Threadneedle Street, under Nicholas Hart: for the daybreak of letters was now so bright, that the reputation of schools was carefully noted, and schoolmasters began to be held in some part of the estimation which they merit. Here, however, his studies were confined to Latin; the cultivation of Greek, which contains the sources and models of Roman literature, being yet far from having descended to the level of the best among the schools. It was the custom of that age that young gentlemen should pass part of their boyhood in the house and service of their superiors, where they might profit by listening to the conversation of men of experience, and gradually acquire the manners of the world. It was not deemed derogatory from youths of rank,—it was rather thought a beneficial expedient for inuring them to stern discipline and implicit obedience, that they should be trained, during this noviciate, in humble and even menial offices. A young gentleman thought himself no more lowered by serving as a page in the family of a great peer or prelate, than a Courtenay or a Howard considered it as a degradation to be the huntsman or the cupbearer of a Tudor.

More was fortunate in the character of his master: when his school studies were thought to be finished, about his fifteenth year, he was placed in the house of Cardinal Morton, archbishop of Canterbury. This prelate, who was born in 1410, was originally an eminent civilian, canonist, and a practiser of note in the ecclesiastical courts. He had been a Lancastrian, and the fidelity with which he adhered to Henry VI., till that unfortunate prince's death, recommended him

* "Homo civilis, innocens, mitis, integer."—Epitaph.

to the confidence and patronage of Edward IV. He negotiated the marriage with the princess Elizabeth, which reconciled (with whatever confusion of titles) the conflicting pretensions of York and Lancaster, and raised Henry Tudor to the throne. By these services, and by his long experience in affairs, he continued to be prime minister till his death, which happened in 1500, at the advanced age of ninety.* Even at the time of More's entry into his household, the old cardinal, though then fourscore and five years, was pleased with the extraordinary promise of the sharp and lively boy; as aged persons sometimes, as it were, catch a glimpse of the pleasure of youth, by entering for a moment into its feelings. More broke into the rude dramas performed at the cardinal's Christmas festivities, to which he was too young to be invited, and often invented at the moment speeches for himself, "which made the lookers-on more sport than all the players beside." The cardinal, much delighting in his wit and towardness, would often say of him unto the nobles that dined with him,—"This child here waiting at the table, whosoever shall live to see it, will prove a marvellous man."† More, in his historical work, thus commemorates this early friend, not without a sidelong glance at the acts of a courtier: —"He was a man of great natural wit, very well learned, honourable in behaviour, lacking in no wise to win favour."‡ In Utopia he praises the cardinal more lavishly, and with no restraint from the severe justice of history. It was in Morton's house that he was probably first known to Colet, dean of St. Paul's,

* Dodd's Church History, vol. i. p. 141. The Roman Catholics, now restored to their just rank in society, have no longer an excuse for not continuing this useful work. [This has been accordingly done since this note was written, by the Rev. M. A. Tierney.—Ed.]

† Roper's Life of Sir T. More, edited by Singer. This book will be cited henceforward as "Roper."

‡ History of Richard III.

the founder of St. Paul's school, and one of the most eminent restorers of ancient literature in England; who was wont to say, that "there was but one wit in England, and that was young Thomas More."*

More went to Oxford in 1497, where he appears to have had apartments in St. Mary's Hall, but to have carried on his studies at Canterbury College †, on the spot where Wolsey afterwards reared the magnificent edifice of Christchurch. At that university he found a sort of civil war waged between the partisans of Greek literature, who were then innovators in education and suspected of heresy, if not of infidelity, on the one hand; and on the other side the larger body, comprehending the aged, the powerful, and the celebrated, who were content to be no wiser than their forefathers. The younger followers of the latter faction affected the ridiculous denomination of Trojans, and assumed the names of Priam, Hector, Paris, and Æneas, to denote their hostility to the Greeks. The puerile pedantry of these coxcombs had the good effect of awakening the zeal of More for his Grecian masters, and of inducing him to withstand the barbarism which would exclude the noblest productions of the human mind from the education of English youth. He expostulated with the university in a letter addressed to the whole body, reproaching them with the better example of Cambridge, where the gates were thrown open to the higher classics of Greece, as freely as to their Roman imitators. ‡ The established clergy even then, though Luther had not yet alarmed them, strangers as they were to the new learning, affected to contemn that of which they were ignorant, and could not endure the prospect of a rising generation more learned than themselves. Their whole education was Latin, and their instruction was limited to Roman and canon law, to theology,

* More, p. 25. † Athenæ Oxonienses, vol. i. p. 79.

‡ See this Letter in the Appendix to the second volume of Jortin's Life of Erasmus.

and school philosophy. They dreaded the downfal of the authority of the Vulgate from the study of Greek and Hebrew. But the course of things was irresistible. The scholastic system was now on the verge of general disregard, and the perusal of the greatest Roman writers turned all eyes towards the Grecian masters. What man of high capacity, and of ambition becoming his faculties, could read Cicero without a desire to comprehend Demosthenes and Plato? What youth desirous of excellence but would rise from the study of the Georgics and the Æneid, with a wish to be acquainted with Hesiod and Apollonius, with Pindar, and above all with Homer? These studies were then pursued, not with the dull languor and cold formality with which the indolent, incapable, incurious majority of boys obey the prescribed rules of an old establishment, but with the enthusiastic admiration with which the superior few feel an earnest of their own higher powers, in the delight which arises in their minds at the contemplation of new beauty, and of excellence unimagined before.

More found several of the restorers of Grecian literature at Oxford, who had been the scholars of the exiled Greeks in Italy;—Grocyn, the first professor of Greek in the university; Linacre, the accomplished founder of the college of physicians; and William Latimer, of whom we know little more than what we collect from the general testimony borne by his most eminent contemporaries to his learning and virtue. Grocyn, the first of the English restorers, was a late learner, being in the forty-eighth year of his age when he went, in 1488, to Italy, where the fountains of ancient learning were once more opened. After having studied under Politian, and learnt Greek from Chalcondylas, one of the lettered emigrants who educated the teachers of the western nations, he returned to Oxford, where he taught that language to More, to Linacre, and to Erasmus. Linacre followed the example of Grocyn in visiting Italy, and profiting

by the instructions of Chalcondylas. Colet spent four years in the same country, and in the like studies. William Latimer repaired at a mature age to Padua, in quest of that knowledge which was not to be acquired at home. He was afterwards chosen to be tutor to Reginald Pole, the King's cousin; and Erasmus, by attributing to him "maidenly modesty," leaves in one word an agreeable impression of the character of a man chosen for his scholarship to be Linacre's colleague in a projected translation of Aristotle, and solicited by the latter for aid in his edition of the New Testament.*

At Oxford More became known to a man far more extraordinary than any of these scholars. Erasmus had been invited to England by Lord Mountjoy, who had been his pupil at Paris, and continued to be his friend during life. He resided at Oxford during a great part of 1497; and having returned to Paris in 1498, spent the latter portion of the same year at the university of Oxford, where he again had an opportunity of pouring his zeal for Greek study into the mind of More. Their friendship, though formed at an age of considerable disparity,—Erasmus being then thirty and More only seventeen,—lasted throughout the whole of their lives. Erasmus had acquired only the rudiments of Greek at the age most suited to the acquisition of languages, and was now completing his knowledge on that subject at a period of mature manhood, which he jestingly compares with the age at which the elder Cato commenced his Grecian studies.†

* For Latimer, see Dodd, Church History, vol. i. p. 219.: for Grocyn, Ibid. p. 227.: for Colet and Linacre, all biographical compilations.

† "Delibavimus et olim has literas, sed summis duntaxat labiis; at nuper paulo altius ingressi, videmus id quod sæpenumero apud gravissimos auctores legimus,—Latinam eruditionem, quamvis impendiosam, citra Græcismum mancam esse ac dimidiatam. Apud nos enim rivuli vix quidam sunt, et lacunulæ lutulentæ; apud illos fontes purissimi et flumina aurum volventia."—Opera, Lug. Bat. 1703, vol. iii. p. 63.

Though Erasmus himself seems to have been much excited towards Greek learning by the example of the English scholars, yet the cultivation of classical literature was then so small a part of the employment or amusement of life, that William Latimer, one of the most eminent of these scholars, to whom Erasmus applied for aid in his edition of the Greek Testament, declared that he had not read a page of Greek or Latin for nine years *, that he had almost forgotten his ancient literature, and that Greek books were scarcely procurable in England. Sir John More, inflexibly adhering to the old education, and dreading that the allurements of literature might seduce his son from law, discouraged the pursuit of Greek, and at the same time reduced the allowance of Thomas to the level of the most frugal life;—a parsimony for which the son was afterwards, though not then, thankful, as having taught him good husbandry, and preserved him from dissipation.

At the university, or soon after leaving it, young More composed the greater part of his English verses; which are not such as, from their intrinsic merit, in a more advanced state of our language and literature, would be deserving of particular attention. But as the poems of a contemporary of Skelton, they may merit more consideration. Our language was still neglected, or confined chiefly to the vulgar uses of life. Its force, its compass, and its capacity of harmony, were untried: for though Chaucer had shone brightly for a season, the century which followed was dark and wintry. No master genius had impregnated the nation with poetical sensibility. In these inauspicious circumstances, the composition of poems, especially if they manifest a sense of harmony, and some adaptation of the sound to the subject, indicates a delight in poetry, and a proneness to that beautiful art, which in such an age is a more than ordinary

* Ibid. vol. iii. p. 293.

token of a capacity for it. The experience of all ages, however it may be accounted for, shows that the mind, when melted into tenderness, or exalted by the contemplation of grandeur, vents its feelings in language suited to a state of excitement, and delights in distinguishing its diction from common speech by some species of measure and modulation, which combines the gratification of the ear with that of the fancy and the heart. The secret connection between a poetical ear and a poetical soul is touched by the most sublime of poets, who consoled himself in his blindness by the remembrance of those who, under the like calamity,

> —— Feed on thoughts that voluntary move
> Harmonious numbers.

We may be excused for throwing a glance over the compositions of a writer, who is represented a century after his death, by Ben Jonson, as one of the models of English literature. More's poem on the death of Elizabeth, the wife of Henry VII., and his merry jest How a Serjeant would play the Friar, may be considered as fair samples of his pensive and sportive vein. The superiority of the latter shows his natural disposition to pleasantry. There is a sort of dancing mirth in the metre which seems to warrant the observation above hazarded, that in a rude period the structure of verse may be regarded as some presumption of a genius for poetry. In a refined age, indeed, all the circumstances are different: the framework of metrical composition is known to all the world; it may be taught by rule, and acquired mechanically; the greatest facility of versification may exist without a spark of genius. Even then, however, the secrets of the art of versification are chiefly revealed to a chosen few by their poetical sensibility; so that sufficient remains of the original tie still continue to attest its primitive origin. It is remarkable, that the most poetical of the poems is written in Latin: it is a poem addressed to a lady, with whom he had been in

love when he was sixteen years old, and she fourteen; and it turns chiefly on the pleasing reflection that his affectionate remembrance restored to her the beauty, of which twenty-five years seemed to others to have robbed her.*

When More had completed his time at Oxford, he applied himself to the study of the law, which was to be the occupation of his life. He first studied at New Inn, and afterwards at Lincoln's Inn.† The societies of lawyers having purchased some *inns*, or noblemen's residences, in London, were hence called "inns of court." It was not then a metaphor to call them an university; they had professors of law; they conferred the characters of barrister and serjeant, analogous to the degrees of bachelor, master, and doctor, bestowed by the universities; and every man, before he became a barrister, was subjected to examination, and obliged to defend a thesis. More was appointed reader at Furnival's Inn, where he delivered lectures for three years. The English law had already grown into a science, formed by a process of generalisation from usages and decisions, with less help from the Roman law than the jurisprudence of any other country, though not with that total independence of it which English lawyers in former times considered as a subject of boast: it was rather formed as the law of Rome itself had been formed, than adopted from that noble system. When More began to lecture on English law, it was by no means in a disorderly and neglected state. The ecclesiastical lawyers, whose arguments and determinations were its earliest materials, were well prepared, by the logic and phi-

* "Gratulatur quod eam repererit incolumem quam olim fermè puer amaverat."—Not. in Poem. It does not seem reconcilable with dates, that his lady could have been the younger sister of Jane Colt. Vide *infrà*.

† Inn was successively applied, like the French word *hotel*, first to the town mansion of a great man, and afterwards to a house where all mankind were entertained for money.

losophy of their masters the Schoolmen, for those exact and even subtle distinctions which the precision of the rules of jurisprudence eminently required. In the reigns of the Lancastrian princes, Littleton had reduced the law to an elementary treatise, distinguished by a clear method and an elegant conciseness. Fortescue had during the same time compared the governments of England and France with the eye of a philosophical observer. Brooke and Fitzherbert had compiled digests of the law, which they called (it might be thought, from their size, ironically) "Abridgments." The latter composed a treatise, still very curious, on "writs;" that is, on those commands (formally from the king) which constitute essential parts of every legal proceeding. Other writings on jurisprudence occupied the printing-presses of London in the earliest stage* of their existence. More delivered lectures also at St. Lawrence's church in the Old Jewry, on the work of St. Augustine, De Civitate Dei, that is, on the divine government of the moral world; which must seem to readers who look at ancient times through modern habits, a very singular occupation for a young lawyer. But the clergy were then the chief depositaries of knowledge, and were the sole canonists and civilians, as they had once been the only lawyers.† Religion, morals, and law, were then taught together without due distinction between them, to the injury and confusion of them all. To these lectures, we are told by the affectionate biographer, "there resorted Doctor Grocyn, an excellent cunning man, and all the chief learned of the city of London."‡ More, in his lectures, however, did not so much discuss "the points of divinity as the precepts of moral philosophy and history, wherewith these books are replenished."§ The effect of the deep study

* Doctor and Student (by St. Germain) and Diversité des Courtes were both printed by Rastell in 1534.

† *Nullus causidicus nisi clericus.*

‡ Roper, p. 5. § More, p. 44.

of the first was, perhaps, however, to embitter his polemical writings, and somewhat to sour that naturally sweet temper, which was so deeply felt by his companions, that Erasmus scarcely ever concludes a letter to him without epithets more indicative of the most tender affection than of the calm feelings of friendship.*

The tenderness of More's nature combined with the instructions and habits of his education to predispose him to piety. As he lived in the neighbourhood of the great Carthusian monastery, called the "Charterhouse," for some years, he manifested a predilection for monastic life, and is said to have practised some of those austerities and self-inflictions which prevail among the gloomier and sterner orders. A pure mind in that age often sought to extinguish some of the inferior impulses of human nature, instead of employing them for their appointed purpose, — that of animating the domestic affections, and sweetening the most important duties of life. He soon learnt, however, by self-examination, his unfitness for the priesthood, and relinquished his project of taking orders, in words which should have warned his church against the imposition of unnatural self-denial on vast multitudes and successive generations of men. †

The same affectionate disposition which had driven him towards the visions, and, strange as it may seem, to the austerities of the monks, now sought a more natural channel. "He resorted to the house of one Maister Colt, a gentleman of Essex, who had often invited him thither; having three daughters, whose honest conversation and virtuous education provoked him there especially to set his affection. And albeit his mind most served him to the second daughter, for that he thought her the fairest and best favoured, yet

* "Suavissime More." "Charissime More." "Mellitissime More."

† "Maluit maritus esse castus quam sacerdos impurus."— Erasmus, Op. vol. iii. p. 475.

when he considered that it would be both great grief, and some shame also, to the eldest, to see her younger sister preferred before her in marriage, he then of a certain pity framed his fancy toward her, and soon after married her, neverthemore discontinuing his study of the law at Lincoln's Inn."* His more remote descendant adds, that Mr. Colt "proffered unto him the choice of any of his daughters; and that More, out of a kind of compassion, settled his fancy on the eldest."† Erasmus gives a turn to More's marriage with Jane Colt, which is too ingenious to be probable:—"He wedded a very young girl of respectable family, but who had hitherto lived in the country with her parents and sisters, and was so uneducated, that he could mould her to his own tastes and manners. He caused her to be instructed in letters; and she became a very skilful musician, which peculiarly pleased him."‡

The plain matter of fact seems to have been, that in an age when marriage chiefly depended upon a bargain between parents, on which sons were little consulted, and daughters not at all, More, emerging at twenty-one from the toil of acquiring Greek, and the voluntary self-torture of Carthusian mystics, was delighted at his first entry among pleasing young women, of whom the least attractive might, in these circumstances, have touched him; and that his slight preference for the second easily yielded to a good-natured reluctance to mortify the elder. Most young ladies in Essex, in the beginning of the sixteenth century, must have required some tuition to appear in London among scholars and courtiers, who were at that time more mingled than it is now usual for them to be. It is impossible to ascertain the precise shade of feeling which the biographers intended to denote by the words "pity" and "compassion," for the use of

* Roper, p. 6. † More, p. 30.
‡ Erasmus, Op. vol. iii. p. 475.

which they are charged with a want of gallantry or delicacy by modern writers; although neither of these terms, when the context is at the same time read, seems unhappily employed to signify the natural refinement, which shrinks from humbling the harmless self-complacency of an innocent girl.

The marriage proved so happy, that nothing was to be regretted in it but the shortness of the union, in consequence of the early death of Jane Colt, who left a son and three daughters; of whom Margaret, the eldest, inherited the features, the form, and the genius of her father, and requited his fond partiality by a daughterly love, which endured to the end.

In no long time * after the death of Jane Colt, he married Alice Middleton, a widow, seven years older than himself, and not handsome;—rather, for the care of his family, and the management of his house, than as a companion and a friend. He treated her, and indeed all females, except his daughter Margaret, as better qualified to relish a jest, than to take a part in more serious conversation; and in their presence gave an unbounded scope to his natural inclination towards pleasantry. He even indulged himself in a Latin play of words on her want of youth and beauty, calling her "nec bella nec puella."† "She was of "good years, of no good favour or complexion, nor "very rich, and by disposition near and worldly. It "was reported that he wooed her for a friend of his; "but she answering that he might speed if he spoke "for himself, he married her with the consent of his "friend, yielding to her that which perhaps he never "would have done of his own accord. Indeed, her "favour could not have bewitched, or scarce moved, "any man to love her; but yet she proved a kind "and careful mother-in-law to his children." Erasmus,

* "In a few months," says Erasmus, Op. vol. iii. p. 475.:— "within two or three years," according to his great grandson.— More, p. 32.

† Erasmus, vol. iii. p. 475.

who was often an inmate in the family, speaks of her as "a keen and watchful manager, with whom More "lived on terms of as much respect and kindness as "if she had been fair and young." Such is the happy power of a loving disposition, which overflows on companions, though their attractions or deserts should be slender. "No husband," continues Erasmus, "ever "gained so much obedience from a wife by authority "and severity, as More won by gentleness and plea- "santry. Though verging on old age, and not of a "yielding temper, he prevailed on her to take lessons "on the lute, the cithara, the viol, the monochord, "and the flute, which she daily practised to him. "With the same gentleness he ruled his whole family, "so that it was without broils or quarrels. He com- "posed all differences, and never parted with any one "on terms of unkindness. The house was fated to "the peculiar felicity that those who dwelt in it were "always raised to a higher fortune; and that no spot "ever fell on the good name of its happy inhabit- "ants." The course of More's domestic life is minutely described by eye-witnesses. "His custom was daily "(besides his private prayers with his children) to "say the seven psalms, the litany, and the suffrages "following; so was his guise with his wife, children, "and household, nightly before he went to bed, to "go to his chapel, and there on his knees ordinarily "to say certain psalms and collects with them."* "With him," says Erasmus, "you might imagine "yourself in the academy of Plato. But I should do "injustice to his house by comparing it to the academy "of Plato, where numbers, and geometrical figures, "and sometimes moral virtues, were the subjects of "discussion; it would be more just to call it a school "and exercise of the Christian religion. All its "inhabitants, male or female, applied their leisure to "liberal studies and profitable reading, although

* Roper, p. 25.

"piety was their first care. No wrangling, no angry "word, was heard in it; no one was idle: every one "did his duty with alacrity, and not without a tem- "perate cheerfulness." * Erasmus had not the sensibility of More; he was more prone to smile than to sigh at the concerns of men: but he was touched by the remembrance of these domestic solemnities in the household of his friend. He manifests an agreeable emotion at the recollection of these scenes in daily life, which tended to hallow the natural authority of parents to bestow a sort of dignity on humble occupations, to raise menial offices to the rank of virtues, and to spread peace and cultivate kindness among those who had shared and were soon again to share, the same modest rites, in gently breathing around them a spirit of meek equality, which rather humbled the pride of the great than disquieted the spirits of the lowly. More himself justly speaks of the hourly interchange of the smaller acts of kindness which flow from the charities of domestic life, as having a claim on his time as strong as the occupations which seemed to others so much more serious and important. "While," says he, "in pleading, in hearing, in deciding causes or composing differences, in waiting on some men about business, and on others out of respect, the greatest part of the day is spent on other men's affairs, the remainder of it must be given to my family at home; so that I can reserve no part of it to myself, that is, to study. I must talk with my wife, and chat with my children, and I have somewhat to say to my servants; for all these things I reckon as a part of my business, except a man will resolve to be a stranger at home; and with whomsoever either nature, chance, or choice, has engaged a man in any commerce, he must endeavour to make himself as acceptable to those about him as he can." †

* Op. vol. iii. p. 1812.

† Dedication of Utopia to Peter Giles, (Burnet's translation,) 1684.

His occupations now necessarily employed a large portion of his time. His professional practice became so considerable, that about the accession of Henry VIII., in 1509, with his legal office in the city of London, it produced 400*l.* a year, probably equivalent to an annual income of 5000*l.* in the present day. Though it be not easy to determine the exact period of the occurrences of his life, from his establishment in London to his acceptance of political office, the beginning of Henry VIII.'s reign may be considered as the time of his highest eminence at the bar. About this time a ship belonging to the Pope, or claimed by his Holiness on behalf of some of his subjects, happened to come to Southampton, where she was seized as a forfeiture, — probably as what is called a droit of the crown, or a droit of the admiralty, — though under what circumstances, or on what grounds we know not. The papal minister made suit to the King that the case might be argued for the Pope by learned counsel in a public place, and in presence of the minister himself, who was a distinguished civilian. None was found so well qualified to be of counsel for him as More, who could report in Latin all the arguments to his client, and who argued so learnedly on the Pope's side, that he succeeded in obtaining an order for the restitution of the vessel detained.

It has been already intimated, that about the same time he had been appointed to a judicial office in the city of London, which is described by his son-in-law as "that of one of the under-sheriffs." Roper, who was himself for many years an officer of the court of King's Bench, gives the name of the office correctly; but does not describe its nature and importance so truly as Erasmus, who tells his correspondent that More passed several years in the city of London as a judge in civil causes. "This office," he says, "though not laborious, for the court sits only on the forenoon of every Thursday, is accounted very honourable. No judge of that court ever went through more causes;

none decided them more uprightly; often remitting the fees to which he was entitled from the suitors. His deportment in this capacity endeared him extremely to his fellow-citizens." * The under-sheriff was then apparently judge of the sheriff's court, which, being the county court for London and Middlesex, was, at that time, a station of honour and advantage.† For the county courts in general, and indeed all the ancient subordinate jurisdictions of the common law, had not yet been superseded by that concentration of authority in the hands of the superior courts at Westminster, which contributed indeed to the purity and dignity of the judicial character, as well as to the uniformity and the improvement of the administration of law,—but which cannot be said to have served in the same degree to promote a speedy and cheap redress of the wrongs suffered by those suitors to whom cost and delay are most grievous. More's office, in that state of the jurisdiction, might therefore have possessed the importance which his contemporaries ascribed to it; although the denomination of it would not make such an impression on modern ears. It is apparent, that either as a considerable source of his income, or as an honourable token of public confidence, this office was valued by More; since he informs Erasmus, in 1516, that he had declined a handsome pension offered to him by the king on his return from Flanders, and that he believed he should always decline it; because either it would oblige him to resign his office in the city, which he preferred to a better, or if he retained it, in case of a controversy of the city with the king for their privileges, he might be deemed by his fellow-citizens to be disabled by dependence on the crown from sincerely and faithfully maintaining their rights.‡ This last reasoning is also interesting, as the first in-

* Erasmus, Op. vol. iii. p. 476.
† "In urbe suâ pro shyrevo dixit."—Epitaph.
‡ Erasmus, Op. vol. iii. p. 220.

timation of the necessity of a city law-officer being independent of the crown, and of the legal resistance of the corporation of London to a Tudor king. It paved the way for those happier times in which the great city had the honour to number the Holts and the Denmans among her legal advisers.*

More is the first person in our history distinguished by the faculty of public speaking. A remarkable occasion on which it was successfully employed in parliament against a lavish grant of money to the crown is thus recorded by his son-in-law as follows:— "In the latter time of king Henry VII. he was made a burgess of the parliament, wherein was demanded by the king about three-fifteenths for the marriage of his eldest daughter, that then should be the Scottish queen. At the last debating whereof he made such arguments and reasons there against, that the king's demands were thereby clean overthrown; so that one of the king's privy chamber, named maister Tyler, being present thereat, brought word to the king out of the parliament house, that a beardless boy had disappointed all his purpose. Whereupon the king, conceiving great indignation towards him, could not be satisfied until he had some way revenged it. And forasmuch as he, nothing having, could nothing lose,

* From communications obtained for me from the records of the City, I am enabled to ascertain some particulars of the nature of More's appointment, which have occasioned a difference of opinion. On the 8th of May, 1514, it was agreed by the common council, "that, Thomas More, gentleman, one of the under-sheriffs of London, should occupy his office and chamber by a sufficient deputy, during his absence as the king's ambassador in Flanders." It appears from several entries in the same records, from 1496 to 1502 inclusive, that the under-sheriff was annually elected, or rather confirmed; for the practice was not to remove him without his own application or some serious fault. For six years of Henry's reign, Edward Dudley was one of the under-sheriffs; a circumstance which renders the superior importance of the office at that time probable. Thomas Marowe, the author of works on law esteemed in his time, though not published, appears also in the above records as under-sheriff.

his grace devised a causeless quarrel against his father; keeping him in the Tower till he had made him to pay 100*l.* fine," (probably on a charge of having infringed some obsolete penal law). "Shortly after, it fortuned that Sir T. More, coming in a suit to Dr. Fox, bishop of Winchester, one of the king's privy council, the bishop called him aside, and, pretending great favour towards him, promised that if he would be ruled by him he would not fail into the king's favour again to restore him; meaning, as it was afterwards conjectured, to cause him thereby to confess his offences against the king, whereby his highness might, with the better colour, have occasion to revenge his displeasure against him. But when he came from the bishop he fell into communication with one maister Whitforde, his familiar friend, then chaplain to that bishop, and showed him what the bishop had said, praying for his advice. Whitforde prayed him by the passion of God not to follow the counsel; for my lord, to serve the king's turn, will not stick to agree to his own father's death. So Sir Thomas More returned to the bishop no more; and had not the king died soon after, he was determined to have gone over sea." * That the advice of Whitforde was wise, appeared from a circumstance which occurred nearly ten years after, which exhibits a new feature in the character of the King and of his bishops. When Dudley was sacrificed to popular resentment, under Henry VIII., and when he was on his way to execution, he met Sir Thomas, to whom he said,—"Oh More, More! God was your good friend, that you did not ask the king forgiveness, as manie would have had you do; for if you had done so, *perhaps you should have been in the like case with us now.*" †

* Roper, p. 7. There seems to be some forgetfulness of dates in the latter part of this passage, which has been copied by succeeding writers. Margaret, it is well known, was married in 1503; the debate was not, therefore, later than that year: but Henry VII. lived till 1509.

† More, p. 38.

It was natural that the restorer of political eloquence, which had slumbered for a long series of ages*, should also be the earliest of the parliamentary champions of liberty. But it is lamentable that we have so little information respecting the oratorical powers which alone could have armed him for the noble conflict. He may be said to hold the same station among us, which is assigned by Cicero, in his dialogue On the Celebrated Orators of Rome, to Cato the censor, whose consulship was only about ninety years prior to his own. His answer, as Speaker of the House of Commons, to Wolsey, of which more will be said presently, is admirable for its promptitude, quickness, seasonableness, and caution, combined with dignity and spirit. It unites presence of mind and adaptation to the person and circumstances, with address and management seldom surpassed. If the tone be more submissive than suits modern ears, it is yet remarkable for that ingenious refinement which for an instant shows a glimpse of the sword generally hidden under robes of state. "His eloquent tongue," says Erasmus, "so well seconds his fertile invention, that no one speaks better when suddenly called forth. His attention never languishes; his mind is always before his words; his memory has all its stock so turned into ready money, that without hesitation or delay, it gives out whatever the time and the case may require. His acuteness in dispute is unrivalled, and he often perplexes the most renowned theologians when he enters their province."† Though much of this encomium may be applicable rather to private conversation than to public debate, and though this presence of mind may refer altogether to promptitude of repartee, and comparatively little to that readiness of reply, of which his experience must have been

* "Postquam pugnatum est apud Actium, magna illa ingenia cessere."—Tacitus, Hist. lib. i. cap. 1.

† Erasmus, Op. vol. iii. p. 476.

limited; it is still obvious that the great critic has ascribed to his friend the higher part of those mental qualities, which, when justly balanced and perfectly trained, constitute a great orator.

As if it had been the lot of More to open all the paths through the wilds of our old English speech, he is to be considered also as our earliest prose writer, and as the first Englishman who wrote the history of his country in its present language. The historical fragment* commands belief by simplicity, and by abstinence from too confident affirmation. It betrays some negligence about minute particulars, which is not displeasing as a symptom of the absence of eagerness to enforce a narrative. The composition has an ease and a rotundity (which gratify the ear without awakening the suspicion of art) of which there was no model in any preceding writer of English prose.

In comparing the prose of More with the modern style, we must distinguish the words from the composition. A very small part of his vocabulary has been superannuated; the number of terms which require any explanation is inconsiderable: and in that respect the stability of the language is remarkable. He is, indeed, in his words, more English than the great writers of a century after him, who loaded their native tongue with expressions of Greek or Latin derivation. Cicero, speaking of "old Cato," seems almost to describe More. "His style is rather antiquated; he has some words displeasing to our ears, but which were then in familiar use. Change those terms, which he could not, you will then prefer no speaker to Cato."†

But in the combination and arrangement of words, in ordinary phraseology and common habits of composition, he differs more widely from the style that has now been prevalent among us for nearly two centuries. His diction seems a continued experiment to discover the forms into which the language naturally runs.

* History of Richard III. † De Clar. Orat. cap. 17.

In that attempt he has frequently failed. Fortunate accident, or more varied experiment in aftertimes, led to the adoption of other combinations, which could scarcely have succeeded, if they had not been more consonant to the spirit of the language, and more agreeable to the ear and the feelings of the people. The structure of his sentences is frequently not that which the English language has finally adopted: the language of his countrymen has decided, without appeal, against the composition of the father of English prose.

The speeches contained in his fragment, like many of those in the ancient historians, were probably substantially real, but brightened by ornament, and improved in composition. It could, indeed, scarcely be otherwise: for the history was written in 1513*, and the death of Edward IV., with which it opens, occurred in 1483; while Cardinal Morton, who became prime minister two years after that event, appears to have taken young More into his household about the year 1493. There is, therefore, little scope, in so short a time, for much falsification, by tradition, of the arguments and topics really employed. These speeches have the merit of being accommodated to the circumstances, and of being of a tendency to dispose those to whom they were addressed to promote the object of the speaker; and this merit, rare in similar compositions, shows that More had been taught, by the practice of speaking in contests where objects the most important are the prize of the victor, that eloquence is the art of persuasion, and that the end of the orator is not the dis-

* Holinshed, vol. iii. p. 360. Holinshed called More's work "unfinished." That it was meant to extend to the death of Richard III. seems probable from the following sentence:—"But, forasmuch as this duke's (the Duke of Gloucester) demeanour ministereth in effect all the whole matter whereof this book shall entreat, it is therefore convenient to show you, as we farther go, what manner of man this was that could find in his heart such mischief to conceive."—p. 361.

play of his talents, but dominion over the minds of his hearers. The dying speech, in which Edward exhorts the two parties of his friends to harmony, is a grave appeal to their prudence, as well as an affecting address from a father and a king to their public feelings. The surmises thrown out by Richard against the Widvilles are short, dark, and well adapted to awaken suspicion and alarm. The insinuations against the Queen, and the threats of danger to the lords themselves from leaving the person of the Duke of York in the hands of that princess, in Richard's speech to the Privy Council, before the Archbishop of York was sent to Westminster to demand the surrender of the boy, are admirable specimens of the address and art of crafty ambition. Generally speaking, the speeches have little of the vague common-place of rhetoricians and declaimers; and time is not wasted in parade. In the case, indeed, of the dispute between the Archbishop and the Queen, about taking the Duke of York out of his mother's care, and from the Sanctuary at Westminster, there is more ingenious argument than the scene allows; and the mind rejects logical refinements, of which the use, on such an occasion, is quite irreconcileable to dramatic verisimilitude. The Duke of Buckingham alleged in council, that sanctuary could be claimed only against danger; and that the royal infant had neither wisdom to desire sanctuary, nor the malicious intention in his acts without which he could not require it. To this notable paradox, which amounted to an affirmation that no certainly innocent person could ever claim protection from a sanctuary, when it was carried to the Queen, she answered readily, that if she could be in sanctuary, it followed that her child, who was her ward, was included in her protection, as much as her servants, who were, without contradiction, allowed to be.

The Latin epigrams of More, a small volume which it required two years to carry through the press at Basle, are mostly translations from the Anthologia,

which were rather made known to Europe by the fame of the writer, than calculated to increase it. They contain, however, some decisive proofs that he always entertained the opinions respecting the dependence of all government on the consent of the people, to which he professed his adherence almost in his dying moments. Latin versification was not in that early period successfully attempted in any Transalpine country. The rules of prosody, or at least the laws of metrical composition, were not yet sufficiently studied for such attempts. His Latinity was of the same school with that of his friend Erasmus; which was, indeed, common to the first generation of scholars after the revival of classical study. Finding Latin a sort of general language employed by men of letters in their conversation and correspondence, they continued the use of it in the mixed and corrupted state to which such an application had necessarily reduced it: they began, indeed, to purify it from some grosser corruptions; but they built their style upon the foundation of this colloquial dialect, with no rigorous observation of the good usage of the Roman language. Writings of business, of pleasantry, of familiar intercourse, could never have been composed in pure Latinity; which was still more inconsistent with new manners, institutions, and opinions, and with discoveries and inventions added to those which were transmitted by antiquity. Erasmus, who is the master and model of this system of composition, admirably shows how much had been gained by loosening the fetters of a dead speech, and acquiring in its stead the nature, ease, variety, and vivacity of a spoken and living tongue. The course of circumstances, however, determined that this language should not subsist, or at least flourish, for much more than a century. It was assailed on one side by the purely classical, whom Erasmus, in derision, calls "Ciceronians;" and when it was sufficiently emasculated by dread of their censure, it was finally overwhelmed by the rise of a *national* literature in every European language.

More exemplified the abundance and flexibility of the Erasmian Latinity in Utopia, with which this short view of all his writings, except those of controversy, may be fitly concluded. The idea of the work had been suggested by some of the dialogues of Plato, who speaks of vast territories, formerly cultivated and peopled, but afterwards, by some convulsion of nature, covered by the Atlantic Ocean. These Egyptian traditions, or legends, harmonised admirably with that discovery of a new continent by Columbus, which had roused the admiration of Europe about twenty years before the composition of Utopia. This was the name of an island feigned to have been discovered by a supposed companion of Amerigo Vespucci, who is made to tell the wondrous tale of its condition to More, at Antwerp, in 1514: and in it was the seat of the Platonic conception of an imaginary commonwealth. All the names which he invented for men or places* were intimations of their being unreal, and were, perhaps, by treating with raillery his own notions, intended to silence gainsayers. The first book, which is preliminary, is naturally and ingeniously opened by a conversation, in which Raphael Hythloday, the Utopian traveller, describes his visit to England; where, as much as in other countries, he found all proposals for improvement encountered by the remark, that,—"Such

* The following specimen of Utopian etymologies may amuse some readers:—

Utopia	οὐτόπος	nowhere.
Achorians	ἀ-χῶρος	of no country.
Ademians	ἀ-δῆμος	of no people.
Anyder (a river)	ἀ-ὑδωρ	waterless.
Amaurot (a city)	ἀ-μαῦρος	dark.
		The invisible city is on the river waterless.
Hythloday	δαίω-ὕθλος	a learner of trifles, &c.

Some are intentionally unmeaning, and others are taken from little known language in order to perplex pedants. Joseph Scaliger represents Utopia as a word not formed according to the analogy which regulates the formation of Greek words.

things pleased our ancestors, and it were well for us if we could but match them: as if it were a great mischief that any should be found wiser than his ancestors." "I met," he goes on to say, "these proud, morose, and absurd judgments, particularly once when dining with Cardinal Morton at London." "There happened to be at table an English lawyer, who run out into high commendation of the severe execution of justice upon thieves, who were then hanged so fast that there were sometimes twenty hanging upon one gibbet, and added, 'that he could not wonder enough how it came to pass that there were so many thieves left robbing in all places.'" Raphael answered, "that it was because the punishment of death was neither just in itself, nor good for the public; for as the severity was too great, so the remedy was not effectual. You, as well as other nations, like bad schoolmasters, chastise their scholars because they have not the skill to teach them." Raphael afterwards more specially ascribed the gangs of banditti who, after the suppression of Perkin Warbeck's Cornish revolt, infested England, to two causes; of which the first was the frequent disbanding of the idle and armed retainers of the nobles, who, when from necessity let loose from their masters, were too proud for industry, and had no resource but rapine; and the second was the conversion of much corn field into pasture for sheep, because the latter had become more profitable,—by which base motives many landholders were tempted to expel their tenants and destroy the food of man. Raphael suggested the substitution of hard labour for death; for which he quoted the example of the Romans, and of an imaginary community in Persia. "The lawyer answered, 'that it could never be so settled in England, without endangering the whole nation by it:' he shook his head, and made some grimaces, and then held his peace, and all the company seemed to be of his mind. But the cardinal said, 'It is not easy to say whether this plan would succeed or

not, since no trial has been made of it; but it might be tried on thieves condemned to death, and adopted if found to answer; and vagabonds might be treated in the same way.' When the cardinal had said this, they all fell to commend the motion, though they had despised it when it came from me. They more particularly commended that concerning the vagabonds, because it had been added by him."*

From some parts of the above extracts it is apparent that More, instead of having anticipated the economical doctrines of Adam Smith, as some modern writers have fancied, was thoroughly imbued with the prejudices of his contemporaries against the inclosure of commons, and the extension of pasture. It is, however, observable, that he is perfectly consistent with himself, and follows his principles through all their legitimate consequences, though they may end in doctrines of very startling sound. Considering separate property as always productive of unequal distribution of the fruits of labour, and regarding that inequality of fortune as the source of bodily suffering to those who labour, and of mental depravation to those who are not compelled to toil for subsistence, Hythloday is made to say, that "as long as there is any property, and while money is the standard of all other things, he cannot expect that a nation can be governed either justly or happily."† More himself objects to Hythloday: "It seems to me that men cannot live conveniently where all things are common. How can there be any plenty where every man will excuse himself from labouring? for as the hope of gain doth not excite him, so the confidence that he has in other men's industry may make him slothful. And if people come to be pinched with want, and yet cannot dispose of any thing as their own, what can follow but

* Burnet's translation, p. 13., *et seq.*

† Ibid. p. 57. Happening to write where I have no access to the original, I use Burnet's translation. There can be no doubt of Burnet's learning or fidelity.

perpetual sedition and bloodshed; especially when the reverence and authority due to magistrates fall to the ground; for I cannot imagine how they can be kept up among those that are in all things equal to one another." These remarks do in reality contain the germs of unanswerable objections to all those projects of a community of goods, which suppose the moral character of the majority of mankind to continue, at the moment of their adoption, such as it has been heretofore in the most favourable instances. If, indeed, it be proposed only on the supposition, that by the influence of laws, or by the agency of any other cause, mankind in general are rendered more honest, more benevolent, more disinterested than they have hitherto been, it is evident that they will, in the same proportion, approach to a practice more near the principle of an equality and a community of all advantages. The hints of an answer to Plato, thrown out by More, are so decisive, that it is not easy to see how he left this speck on his romance, unless we may be allowed to suspect that the speculation was in part suggested as a convenient cover for that biting satire on the sordid and rapacious government of Henry VII., which occupies a considerable portion of Hythloday's first discourse. It may also be supposed that More, not anxious to save visionary reformers from a few light blows in an attack aimed at corrupt and tyrannical statesmen, thinks it suitable to his imaginary personage, and conducive to the liveliness of his fiction, to represent the traveller in Utopia as touched by one of the most alluring and delusive of political chimeras.

In Utopia, farm-houses were built over the whole country, to which inhabitants were sent in rotation from the fifty-four cities. Every family had forty men and women, besides two slaves; a master and mistress preside over every family; and over thirty families a magistrate. Every year twenty of the family return to town, being two years in the coun-

try; so that all acquire some knowledge of agriculture, and the land is never left in the hands of persons quite unacquainted with country labours. When they want any thing in the country which it doth not produce, they fetch it from the city without carrying any thing in exchange: the magistrates take care to see it given to them. The people of the towns carry their commodities to the market place, where they are taken away by those who need them. The chief business of the magistrates is to take care that no man may live idle, and that every one should labour in his trade for six hours of every twenty-four; — a portion of time, which, according to Hythloday, was sufficient for an abundant supply of all the necessaries and moderate accommodations of the community; and which is not inadequate where all labour, and none apply extreme labour to the production of superfluities to gratify a few, — where there are no idle priests or idle rich men, — and where women of all sorts perform their light allotment of labour. To women all domestic offices which did not degrade or displease were assigned. Unhappily, however, the iniquitous and unrighteous expedient was devised, of releasing the better order of females from offensive and noisome occupations, by throwing them upon slaves. Their citizens were forbidden to be butchers, "because they think that pity and good nature, which are among the best of those affections that are born within us, are much impaired by the butchering of animals;" — a striking representation, indeed, of the depraving effects of cruelty to animals, but abused for the iniquitous and cruel purpose of training inferiors to barbarous habits, in order to preserve for their masters the exclusive benefit of a discipline of humanity. Slaves, too, were employed in hunting, which was deemed too frivolous and barbarous an amusement for citizens. "They look upon hunting as one of the basest parts of a butcher's business, for they account it more decent to kill beasts for the sustenance of mankind, than to

take pleasure in seeing a weak, harmless, and fearful hare torn in pieces by a strong, fierce, and cruel dog." An excess of population was remedied by planting colonies; a defect, by the recall of the necessary number of former colonists; irregularities of distribution, by transferring the superfluous members of one township to supply the vacancies in another. They did not enslave their prisoners, nor the children of their own slaves. In those maladies where there is no hope of cure or alleviation, it was customary for the Utopian priests to advise the patient voluntarily to shorten his useless and burthensome life by opium or some equally easy means. In cases of suicide, without permission of the priests and the senate, the party is excluded from the honours of a decent funeral. They allow divorce in cases of adultery, and incorrigible perverseness. Slavery is the general punishment of the highest crime. They have few laws, and no lawyers. "Utopus, the founder of the state, made a law that every man might be of what religion he pleased, and might endeavour to draw others to it by force of argument and by amicable and modest ways; but those who used reproaches or violence in their attempts were to be condemned to banishment or slavery." The following passage is so remarkable, and has hitherto been so little considered in the history of toleration, that I shall insert it at length: — "This law was made by Utopus, not only for preserving the public peace, which, he said, suffered much by daily contentions and irreconcileable heat in these matters, but because he thought the interest of religion itself required it. As for those who so far depart from the dignity of human nature as to think that our souls died with our bodies, or that the world was governed by chance without a wise and over-ruling Providence, the Utopians never raise them to honours or offices, nor employ them in any public trust, but despise them as men of base and sordid minds; yet they do not punish such men, because they lay it down as a

ground, that a man cannot make himself believe any thing he pleases: nor do they drive any to dissemble their thoughts; so that men are not tempted to lie or disguise their opinions among them, which being a sort of fraud, is abhorred by the Utopians:" — a beautiful and conclusive reason, which, when it was used for the first time, as it probably was in Utopia, must have been drawn from so deep a sense of the value of sincerity as of itself to prove that he who thus employed it was sincere. "These unbelievers are not allowed to argue before the common people; but they are suffered and even encouraged to dispute in private with their priests and other grave men, being confident that they will be cured of these mad opinions by having reason laid before them."

It may be doubted whether some extravagancies in other parts of Utopia were not introduced to cover such passages as the above, by enabling the writer to call the whole a mere sport of wit, and thus exempt him from the perilous responsibility of having maintained such doctrines seriously. In other cases, he seems diffidently to propose opinions to which he was in some measure inclined, but in the course of his statement to have warmed himself into an indignation against the vices and corruptions of Europe, which vents itself in eloquent invectives not unworthy of Gulliver. He makes Hythloday at last declare, — "As I hope for mercy, I can have no other notion of all the other governments that I see or know, but that they are a conspiracy of the richer sort, who, on pretence of managing the public, do only pursue their private ends." The true notion of Utopia is, however, that it intimates a variety of doctrines, and exhibits a multiplicity of projects, which the writer regards with almost every possible degree of approbation and shade of assent; from the frontiers of serious and entire belief, through gradations of descending plausibility, where the lowest are scarcely more than the exercises of ingenuity, and to which some wild para-

doxes are appended, either as a vehicle, or as an easy means (if necessary) of disavowing the serious intention of the whole of this Platonic fiction.

It must be owned, that though one class of More's successors was more susceptible of judicious admiration of the beauties of Plato and Cicero than his less perfectly formed taste could be, and though another division of them had acquired a knowledge of the words of the Greek language, and perception of their force and distinctions, for the attainment of which More came too early into the world, yet none would have been so heartily welcomed by the masters of the Lyceum and the Academy, as qualified to take a part in the discussion of those grave and lofty themes which were freely agitated in these early nurseries of human reason.

The date of the publication of Utopia would mark, probably, also the happiest periods of its author's life. He had now acquired an income equivalent to four or five thousand pounds sterling of our present money, by his own independent industry and well-earned character. He had leisure for the cultivation of literature, for correspondence with his friend Erasmus, for keeping up an intercourse with European men of letters, who had already placed him in their first class, and for the composition of works, from which, unaware of the rapid changes which were to ensue, he probably promised himself more fame, or at least more popularity, than they have procured for him. His affections and his temper continued to ensure the happiness of his home, even when his son with a wife, three daughters with their husbands, and a proportionable number of grandchildren, dwelt under his patriarchal roof.

At the same period the general progress of European literature, and the cheerful prospects of improved education and diffused knowledge, had filled the minds of More and Erasmus with delight. The expectation of an age of pacific improvement seems

to have prevailed among studious men in the twenty years which elapsed between the migration of classical learning across the Alps, and the rise of the religious dissensions stirred up by the preaching of Luther. "I foresee," says Bishop Tunstall, writing to Erasmus, "that our posterity will rival the ancients in every sort of study: and if they be not ungrateful, they will pay the greatest thanks to those who have revived these studies. Go on, and deserve well of posterity, who will never suffer the name of Erasmus to perish." * Erasmus himself, two years after, expresses the same hopes, which, with unwonted courtesy, he chooses to found on the literary character of the conversation in the palace of Henry VIII.: — "The world is recovering the use of its senses, like one awakened from the deepest sleep; and yet there are some who cling to their old ignorance with their hands and feet, and will not suffer themselves to be torn from it." † To Wolsey he speaks in still more sanguine language, mixed with the like personal compliment: — "I see another golden age arising, if other rulers be animated by your spirit. Nor will posterity be ungrateful. This new felicity, obtained for the world by you, will be commemorated in immortal monuments by Grecian and Roman eloquence." ‡ Though the judgment of posterity in favour of kings and cardinals is thus confidently foretold, the writers do not the less betray their hope of a better age, which will bestow the highest honours on the promoters of knowledge. A better age was, in truth, to come; but the time and circumstances of its appearance did not correspond to their sanguine hopes. An age of iron was to precede, in which the turbulence of reformation and the obstinacy of establishment were to meet in long and bloody contest.

When the storm seemed ready to break out, Eras-

* Erasmi Opera, vol. iii. p. 267. † Ibid. p. 321.

‡ Ibid. p. 591. To this theory neither of the parties about to contend could have assented; but it is not on that account the less likely to be in a great measure true.

mus thought it his duty to incur the obloquy which always attends mediatorial counsels. "You know the character of the Germans, who are more easily led than driven. Great danger may arise, if the native ferocity of that people be exasperated by untimely severities. We see the pertinacity of Bohemia and the neighbouring provinces. A bloody policy has been tried without success. Other remedies must be employed. The hatred of Rome is fixed in the minds of many nations, chiefly from the rumours believed of the dissolute manners of that city, and from the immoralities of the representatives of the supreme pontiff abroad." The uncharitableness, the turbulence, the hatred, the bloodshed, which followed the preaching of Luther, closed the bright visions of the two illustrious friends, who agreed in an ardent love of peace, though not without a difference in the shades and modifications of their pacific temper, arising from some dissimilarity of original character. The tender heart of More clung more strongly to the religion of his youth; while Erasmus more anxiously apprehended the disturbance of his tastes and pursuits. The last betrays in some of his writings a temper, which might lead us to doubt, whether he considered the portion of truth which was within reach of his friend as equivalent to the evils attendant on the search.

The public life of More may be said to have begun in the summer of 1514*, with a mission to Bruges, in which Tunstall, then Master of the Rolls, and afterwards Bishop of Durham, was his colleague, and of which the object was to settle some particulars relating to the commercial intercourse of England with the Netherlands. He was consoled for a detention, unexpectedly long, by the company of Tunstall, whom he describes† as one not only fraught with all learning, and severe in his life and morals, but inferior to

* Records of the Common Council of London.
† In a letter to Erasmus, 30th April, 1516.

no man as a delightful companion. On this mission he became acquainted with several of the friends of Erasmus in Flanders, where he evidently saw a progress in the accommodations and ornaments of life, to which he had been hitherto a stranger. With Peter Giles of Antwerp, to whom he intrusted the publication of Utopia by a prefatory dedication, he continued to be closely connected during the lives of both. In the year following, he was again sent to the Netherlands on the like mission;—the intricate relations of traffic between the two countries having given rise to a succession of disputes, in which the determination of one case generally produced new complaints.

In the beginning of 1516 More was made a privy-councillor; and from that time may be dated the final surrender of his own tastes for domestic life, and his predilections for studious leisure, to the flattering importunities of Henry VIII. "He had resolved," says Erasmus, "to be content with his private station; but having gone on more than one mission abroad, the King, not discouraged by the unusual refusal of a pension, did not rest till he had drawn More into the palace. For why should I not say '*drawn*,' since no man ever laboured with more industry for admission to a court, than More to avoid it? The King would scarcely ever suffer the philosopher to quit him. For if serious affairs were to be considered, who could give more prudent counsel? or if the King's mind was to be relaxed by cheerful conversation, where could there be a more facetious companion?"* Roper, who was an eye-witness of these circumstances, relates them with an agreeable simplicity. "So from time to time was he by the King advanced, continuing in his singular favour and trusty service for twenty years. A good part thereof used the King, upon holidays, when he had done his own devotion, to send for him; and there, sometimes

* Erasmus, Op. vol. iii. p. 476.

in matters of astronomy, geometry, divinity, and such other faculties, and sometimes on his worldly affairs, to converse with him. And other whiles in the night would he have him up into the leads, there to consider with him the diversities, courses, motions, and operations of the stars and planets. And because he was of a pleasant disposition, it pleased the King and Queen *after the council had supped* at the time of their own (*i. e.* the royal) supper, to call for him to be merry with them." What Roper adds could not have been discovered by a less near observer, and would scarcely be credited upon less authority: "When them he perceived so much in his talk to delight, that he could not once in a month get leave to go home to his wife and children (whose company he most desired), he, much misliking this restraint on his liberty, began thereupon somewhat to dissemble his nature, and so by little and little from his former mirth to disuse himself, that he was of them from thenceforth, at such seasons, no more so ordinarily sent for."* To his retirement at Chelsea, however, the King followed him. "He used of a particular love to come of a sudden to Chelsea, and leaning on his shoulder, to talk with him of secret counsel in his garden, yea, and to dine with him upon no inviting."† The taste for More's conversation, and the eagerness for his company thus displayed, would be creditable to the King, if his behaviour in after time had not converted them into the strongest proofs of utter depravity. Even in Henry's favour there was somewhat tyrannical; and his very friendship was dictatorial and self-willed. It was reserved for him afterwards to exhibit the singular, and perhaps solitary, example of a man unsoftened by the recollection of a communion of counsels, of studies, of amusements, of social pleasures with such a companion. In the moments of Henry's partiality, the sagacity of More was not so

* Roper, p. 12. † More, p. 49.

utterly blinded by his good-nature, that he did not in some degree penetrate into the true character of these caresses from a beast of prey. "When I saw the King," says his son-in-law, "walking with him for an hour, holding his arm about his neck, I rejoiced, and said to Sir Thomas, how happy he was whom the King had so familiarly entertained, as I had never seen him to do to any one before, except Cardinal Wolsey. 'I thank our Lord, son,' said he, 'I find his grace my very good lord indeed, and I believe he doth as singularly favour me as any other subject within this realm: howbeit, son Roper, I may tell thee, I have no cause to be proud thereof; for if my head would win him a castle in France, when there was war between us, it should not fail to go.'"*

An edition of Utopia had been printed incorrectly, perhaps clandestinely, at Paris; but, in 1518, Erasmus's friend and printer, Froben, brought out a correct one at Basle, the publication of which had been retarded by the expectation of a preface from Budæus, the restorer of Greek learning in France, and probably the most critical scholar in that province of literature on the north of the Alps. The book was received with loud applause by the scholars of France and Germany. Erasmus in confidence observed to an intimate friend, that the second book having been written before the first, had occasioned some disorder and inequality of style; but he particularly praised its novelty and originality, and its keen satire on the vices and absurdities of Europe.

So important was the office of under-sheriff then held to be, that More did not resign it till the 23d of July, 1519†, though he had in the intermediate time served the public in stations of trust and honour. In

* Roper, pp. 21, 22. Compare this insight into Henry's character with a declaration *post* of an opposite nature, though borrowed also from castles and towns, made by Charles V. when he heard of More's murder.

† Records of the City of London.

1521 he was knighted, and raised to the office of treasurer of the exchequer*, a station in some respects the same with that of chancellor of the exchequer, who at present is on his appointment designated by the additional name of under-treasurer. It is a minute, but somewhat remarkable, stroke in the picture of manners, that the honour of knighthood should be spoken of by Erasmus, if not as of superior dignity to so important an office, at least as observably adding to its consequence.

From 1517 to 1522, More was employed at various times at Bruges, in missions like his first to the Flemish government, or at Calais in watching and conciliating Francis I., with whom Henry and Wolsey long thought it convenient to keep up friendly appearances. To trace the date of More's reluctant journeys in the course of the uninteresting attempts of politicians on both sides to gain or dupe each other, would be vain, without some outline of the negotiations in which he was employed, and repulsive to most readers, even if the enquiry promised a better chance of a successful result. Wolsey appears to have occasionally appointed commissioners to conduct his own affairs, as well as those of his master, at Calais. At this place they could receive instructions from London with the greatest rapidity, and it was easy to manage negotiations, and to shift them speedily, with

* Est quod Moro gratuleris; nam Rex *hunc nec ambientem nec flagitantem* munere magnifico honestavit, addito salario nequaquam penitendo: est enim principi suo à thesauris. . . Nec hoc contentus, equitis aurati dignitatem adjecit.—Erasmus, Op. vol. iii. p. 378.

"Then died Master Weston, treasurer of the exchequer, whose office the King *of his own accord, without any asking, freely* gave unto Sir Thomas More."—Roper, 13.

The minute verbal coincidences which often occur between Erasmus and Roper, cannot be explained otherwise than by the probable supposition, that copies or originals of the correspondence between More and Erasmus were preserved by Roper after the death of the former.

Brussels and Paris; with the additional advantage, that it might be somewhat easier to conceal from each one in turn of those jealous courts the secret dealings of his employers with the other, than if the despatches had been sent directly from London to the place of their destination. Of this commission More was once at least an unwilling member. Erasmus, in a letter to Peter Giles on the 15th of November, 1518, says, "More is still at Calais, of which he is heartily tired. He lives with great expense, and is engaged in business most odious to him. Such are the rewards reserved by kings for their favourites."* Two years afterwards, More writes more bitterly to Erasmus, of his own residence and occupations. "I approve your determination never to be involved in the busy trifling of princes; from which, as you love me, you must wish that I were extricated. You cannot imagine how painfully I feel myself plunged in them, for nothing can be more odious to me than this legation. I am here banished to a petty sea-port, of which the air and the earth are equally disagreeable to me. Abhorrent as I am by nature from strife, even when it is profitable, as at home, you may judge how wearisome it is here where it is attended by loss."† On one of his missions, — that of the summer 1519, More had harboured hopes of being consoled, by seeing Erasmus at Calais, for all the tiresome pageantry, selfish scuffles, and paltry frauds, which he was to witness at the congress of kings‡, where he could find little to alter those splenetic views of courts, which his disappointed benevolence breathed in Utopia. Wolsey twice visited Calais during the residence of More, who appears to have then had a weight in council, and a place in the royal favour, second only to those of the cardinal.

* Op vol. iii. p. 357. † Ibid. p. 589.

‡ Ibid. From the dates of the following letters of Erasmus, it appears that the hopes of More were disappointed.

In 1523*, a parliament was held in the middle of April, at Westminster, in which More took a part so honourable to his memory, that though it has been already mentioned when touching on his eloquence, it cannot be so shortly passed over here, because it was one of those signal acts of his life which bears on it the stamp of his character. Sir John, his father, in spite of very advanced age, had been named at the beginning of this parliament one of "the triers of petitions from Gascony,"—an office of which the duties had become nominal, but which still retained its ancient dignity; while of the House of Commons, Sir Thomas himself was chosen to be the speaker. He excused himself, as usual, on the ground of alleged disability; but his excuse was justly pronounced to be inadmissible. The Journals of Parliament are lost, or at least have not been printed; and the Rolls exhibit only a short account of what occurred, which is necessarily an unsatisfactory substitute for the deficient Journals. But as the matter personally concerns Sir Thomas More, and as the account of it given by his son-in-law, then an inmate in his house, agrees with the abridgment of the Rolls, as far as the latter goes, it has been thought proper in this place to insert the very words of Roper's narrative. It may be reasonably conjectured that the speeches of More were copied from his manuscript by his pious son-in-law.†—"Sith I perceive, most redoubted sovereign, that it standeth not with your pleasure to reform this election, and cause it to be changed, but have, by the mouth of the most reverend father in God the legate, your high-

* 14 Hen. VIII.

† This conjecture is almost raised above that name by what precedes. "Sir Thomas More made an oration, not now extant, to the king's highness, for his discharge from the speakership, whereunto when the King would not consent, the speaker spoke to his grace in form following."—It cannot be doubted, without injustice to the honest and amiable biographer, that he would have his readers to understand that the original of the speeches, which actually follow, were *extant* in his hands.

ness's chancellor, thereunto given your most royal assent, and have of your benignity determined far above that I may bear for this office to repute me meet, rather than that you should seem to impute unto your commons that they had unmeetly chosen, I am ready obediently to conform myself to the accomplishment of your highness's pleasure and commandment. In most humble wise I beseech your majesty, that I may make to you two lowly petitions;—the one privately concerning myself, the other the whole assembly of your commons' house. For myself, most gracious sovereign, that if it mishap me in any thing hereafter, that is, on the behalf of your commons in your high presence to be declared, to mistake my message, and in lack of good utterance by my misrehearsal, to prevent or impair their prudent instructions, that it may then like your most noble majesty to give me leave to repair again unto the commons' house, and to confer with them and take their advice what things I shall on their behalf utter and speak before your royal grace.

"Mine other humble request, most excellent prince, is this: forasmuch as there be of your commons here by your high commandment assembled for your parliament, a great number which are after the accustomed manner appointed in the commons' house to heal and advise of the common affairs among themselves apart; and albeit, most dear liege lord, that according to *your most prudent advice*, by your honourable writs every where declared, there hath been as due diligence used in sending up to your highness's court of parliament the most discreet persons out of every quarter, that men could esteem meet thereunto; whereby it is not to be doubted but that there is a very substantial assembly of right wise, meet, and politique persons: yet, most victorious prince, sith among so many wise men, neither is every man wise alike, nor among so many alike well witted, every man well spoken; and it often happeth that as much folly is uttered with

painted polished speech, so many boisterous and rude in language give right substantial counsel; and sith also in matters of great importance, the mind is often so occupied in the matter, that a man rather studieth what to say than how; by reason whereof the wisest man and best spoken in a whole country fortuneth, when his mind is fervent in the matter, somewhat to speak in such wise as he would afterwards wish to have been uttered otherwise, and yet no worse will had when he spake it than he had when he would so gladly change it; therefore, most gracious sovereign, considering that in your high court of parliament is nothing treated but matter of weight and importance concerning your realm, and your own royal estate, it could not fail to put to silence from the giving of their advice and counsel many of your discreet commons, to the great hindrance of your common affairs, unless every one of your commons were utterly discharged from all doubt and fear how any thing that it should happen them to speak, should happen of your highness to be taken. And in this point, though your well-known and proved benignity putteth every man in good hope; yet such is the weight of the matter, such is the reverend dread that the timorous hearts of your natural subjects conceive towards your highness, our most redoubted king and undoubted sovereign, that they cannot in this point find themselves satisfied, except your gracious bounty therein declared put away the scruple of their timorous minds, and put them out of doubt. It may therefore like your most abundant grace to give to all your commons here assembled your most gracious licence and pardon freely, without doubt of your dreadful displeasure, every man to discharge his conscience, and boldly in every thing incident among us to declare his advice; and whatsoever happeneth any man to say, that it may like your noble majesty, of your inestimable goodness, to take all in good part, interpreting every man's words, how uncunningly soever they may be couched, to proceed

yet of good zeal towards the profit of your realm, and honour of your royal person; and the prosperous estate and preservation whereof, most excellent sovereign, is the thing which we all, your majesty's humble loving subjects, according to the most bounden duty of our natural allegiance, most highly desire and pray for."

This speech, the substance of which is in the Rolls denominated "the protest," is conformable to former usage, and the model of speeches made since that time in the like circumstances. What follows is more singular, and not easily reconciled with the intimate connection then subsisting between the speaker and the government, especially with the cardinal:—

"At this parliament Cardinal Wolsey found himself much aggrieved with the burgesses thereof; for that nothing was so soon done or spoken therein, but that it was immediately blown abroad in every alehouse. It fortuned at that parliament a very great subsidy to be demanded, which the cardinal, fearing would not pass the commons' house, determined, for the furtherance thereof, to be there present himself. Before where coming, after long debating there, whether it was better but with a few of his lords, as the most opinion of the house was, or with his whole train royally to receive him; 'Masters,' quoth sir Thomas More, 'forasmuch as my lord cardinal lately, ye wot well, laid to our charge the lightness of our tongues for things uttered out of this house, it shall not in my mind be amiss to receive him with all his pomp, with his maces, his pillars, his poll-axes, his hat, and great seal too; to the intent, that if he find the like fault with us hereafter, we may be the bolder from ourselves to lay the blame on those whom his grace bringeth here with him.' Whereunto the house wholly agreeing, he was received accordingly. Where after he had by a solemn oration, by many reasons, proved how necessary it was the demand then moved to be granted, and farther showed that less would not serve to maintain the

prince's purpose: he seeing the company sitting still silent, and thereunto nothing answering, and contrary to his expectation, showing in themselves towards his request no towardness of inclination, said to them, 'Masters, you have many wise and learned men amongst you, and sith I am from the king's own person sent hitherto unto you, to the preservation of yourselves and of all the realm, I think it meet you give me some reasonable answer.' Whereat every man holding his peace, then began to speak to one Master Marney, afterwards Lord Marney; 'How say you,' quoth he, 'Master Marney?' who making him no answer neither, he severally asked the same question of divers others, accounted the wisest of the company; to whom, when none of them all would give so much as one word, being agreed before, as the custom was, to give answer by their speaker; 'Masters,' quoth the cardinal, 'unless it be the manner of your house, as of likelihood it is, by the mouth of your speaker, whom you have chosen for trusty and wise (as indeed he is), in such cases to utter your minds, here is, without doubt, a marvellously obstinate silence:' and thereupon he required answer of Mr. Speaker; who first reverently on his knees, excusing the silence of the house, abashed at the presence of so noble a personage, able to amaze the wisest and best learned in a realm, and then, by many probable arguments, proving that for them to make answer was neither expedient nor agreeable with the ancient liberty of the house, in conclusion for himself, showed, that though they had all with their voices trusted him, yet except every one of them could put into his own head their several wits, he alone in so weighty a matter was unmeet to make his grace answer. Whereupon the cardinal, displeased with Sir Thomas More, that had not in this parliament in all things satisfied his desire, suddenly arose and departed."*

* Roper, pp. 13—21.

This passage deserves attention as a specimen of the mild independence and quiet steadiness of More's character, and also as a proof how he perceived the strength which the commons had gained by the power of the purse, which was daily and silently growing, and which could be disturbed only by such an unseasonable show of an immature authority as might too soon have roused the crown to resistance. It is one among many instances of the progress of the influence of parliaments in the midst of their apparently indiscriminate submission, and it affords a pregnant proof that we must not estimate the spirit of our forefathers by the humility of their demeanour.

The reader will observe how nearly the example of More was followed by a succeeding speaker, comparatively of no distinction, but in circumstances far more memorable, in the answer of Lenthall to Charles I., when that unfortunate prince came to the House of Commons to arrest the five members of that assembly, who had incurred his displeasure.

There is another point from which these early reports of parliamentary speeches may be viewed, and from which it is curious to consider them. They belong to that critical moment in the history of our language when it was forming a prose style, — a written diction adapted to grave and important occasions. In the passage just quoted, there are about twenty words and phrases (some of them, it is true, used more than once) which would not now be employed. Some of them are shades, such as "lowly," where we say "humble;" "company," for "a house of parliament;" "simpleness," for "simplicity," with a deeper tinge of folly than the single word now ever has; "right," then used as a general sign of the superlative, where we say "very," or "most;" "reverend," for "reverent," or "reverential." "If it mishap me," if it should so happen, "to mishap in me," "it often happeth," are instances of the employment of the verb "hap" for happen, or of a conjugation of the former,

Brussels and Paris; with the additional advantage, that it might be somewhat easier to conceal from each one in turn of those jealous courts the secret destings of his employers with the other, than if the despatches had been sent directly from London to the place of their destination. Of this commission More was once at least an unwilling member. Erasmus, in a letter to Peter Giles on the 15th of November, 1518, says, "More is still at Calais, of which he is heartily tired. He lives with great expense, and is engaged in business most odious to him. Such are the rewards reserved by kings for their favourites."* Two years afterwards, More writes more bitterly to Erasmus, of his own residence and occupations. "I approve your determination never to be involved in the busy trifling of princes; from which, as you love me, you must wish that I were extricated. You cannot imagine how painfully I feel myself plunged in them, for nothing can be more odious to me than this legation. I am here banished to a petty sea-port, of which the air and the earth are equally disagreeable to me. Abhorrent as I am by nature from strife, even when it is profitable, as at home, you may judge how wearisome it is here where it is attended by loss."† On one of his missions, — that of the summer 1519, More had harboured hopes of being consoled, by seeing Erasmus at Calais, for all the tiresome pageantry, selfish scuffles, and paltry frauds, which he was to witness at the congress of kings‡, where he could find little to alter those splenetic views of courts, which his disappointed benevolence breathed in Utopia. Wolsey twice visit[illegible] his duri[illegible] residence of More, who appe[illegible]e th[illegible] weight in council, and a pl[illegible]oya[illegible]ood only to those of the ca[illegible]

* O[illegible]
† [illegible]

which has fallen into irrecoverable disuse. A phrase was then so frequent as to become, indeed, the established mode of commencing an address to a superior, in which the old usage was, "It may like," or "It may please your Majesty," where modern language absolutely requires us to say, "May it please," by a slight inversion of the words retained, but with the exclusion of the word "like" in that combination. "Let" is used for "hinder," as is still the case in some public forms, and in the excellent version of the Scriptures. "Well witted" is a happy phrase lost to the language except on familiar occasions with a smile, or by a master in the art of combining words. Perhaps "enable me," for "give me by your countenance the ability which I have not," is the only phrase which savours of awkwardness or of harsh effect in the excellent speaker. The whole passage is a remarkable example of the almost imperceptible differences which mark various stages in the progress of a language. In several of the above instances we see a sort of contest for admission into the language between two phrases extremely similar, and yet a victory which excluded one of them as rigidly as if the distinction had been very wide. Every case where subsequent usage has altered or rejected words and phrases must be regarded as a sort of national verdict, which is necessarily followed by their disfranchisement. They have no longer any claim on the English language, other than that which may be possessed by all alien suppliants for naturalisation. Such examples should warn a writer, desirous to be lastingly read, of the danger which attends new words, or very new acceptations of those which are established, or even of attempts to revive those which are altogether superannuated. They show in the clearest light that the learned and the vulgar parts of language, being those which are most liable to change, are unfit materials for a durable style; and they teach us to look to those words which form the far larger portion of ancient as

well as of modern language, — that "well of English undefiled," which has been happily resorted to from More to Cowper, as being proved by the unimpeachable evidence of that long usage to fit the rest of our speech more perfectly, and to flow more easily, clearly, and sweetly, in our composition.

Erasmus tells us that Wolsey rather feared than liked More. When the short session of parliament was closed, Wolsey, in his gallery of Whitehall, said to More, "I wish to God you had been at Rome, Mr. More, when I made you speaker." — "Your Grace not offended, so would I too, my lord," replied Sir Thomas; "for then should I have seen the place I long have desired to visit." * More turned the conversation by saying that he liked this gallery better than the cardinal's at Hampton Court. But the latter secretly brooded over his revenge, which he afterwards tried to gratify by banishing More, under the name of an ambassador to Spain. He tried to effect his purpose by magnifying the learning and wisdom of More, his peculiar fitness for a conciliatory adjustment of the difficult matters which were at issue between the King and his kinsman the Emperor. The King suggested this proposal to More, who, considering the unsuitableness of the Spanish climate to his constitution, and perhaps suspecting Wolsey of sinister purposes, earnestly besought Henry not to send his faithful servant to his grave. The King, who also suspected Wolsey of being actuated by jealousy, answered, "It is not our meaning, Mr. More, to do you any hurt; but to do you good we should be glad; we shall therefore employ you otherwise." † More could boast that he had never asked the King the value of a penny for himself, when on the 25th of December, 1525 ‡, the king appointed him chancellor

* Roper, p. 20. † More, p. 53. with a small variation.

‡ Such is the information which I have received from the records in the Tower. The accurate writer of the article on More, in the Biographia Britannica, is perplexed by finding Sir Thomas

of the duchy of Lancaster, as successor of Sir Anthony Wingfield — an office of dignity and profit, which he continued to hold for nearly three years.

In the summer of 1527, Wolsey went on his magnificent embassy to France, in which More and other officers of state were joined with him. On this occasion the main, though secret object of Henry was to pave the way for a divorce from Queen Catharine, with a view to a marriage with Anne Boleyn, a young beauty who had been bred at the French court, where her father, Sir Thomas Boleyn, created Earl of Wiltshire, had been repeatedly ambassador.

On their journey to the coast, Wolsey sounded Archbishop Wareham and Bishop Fisher on the important secret with which he was intrusted. Wareham, an estimable and amiable prelate, appears to have intimated that his opinion was favourable to Henry's pursuit of a divorce.* Fisher, Bishop of Rochester, an aged and upright man, promised Wolsey that he would do or say nothing in the matter, nor in any way counsel the Queen, except what stood with Henry's pleasure; "for," said he, "though she be queen of this realm, yet he acknowledgeth you to be his sovereign lord†:" as if the rank or authority of the parties had any concern with the duty of

More, chancellor of the duchy, as one of the negotiators of a treaty in August, 1526, which seems to the writer in the Biographia to bring down the death of Wingfield to near that time; he being on all sides acknowledged to be More's immediate predecessor. But there is no difficulty, unless we needlessly assume that the negotiation with which Wingfield was concerned related to the same treaty which More concluded. On the contrary, the first appears to have been a treaty with Spain; the last a treaty with France.

* State Papers, Hen. VIII. vol. i. p. 196. Wolsey's words are,— "He expressly affirmed, that however displeasantly the queen took this matter, yet the truth and judgment of the law must take place. I have instructed him how he shall order himself if the queen shall demand his counsel, which he promises me to follow."

† State Papers, Hen. VIII. vol. i. p. 168.

honestly giving counsel where it is given at all. The overbearing deportment of Wolsey probably overawed both these good prelates: he understood them in the manner most suitable to his purpose: and confident that he should by some means finally gain them, he probably coloured very highly their language in his communication to Henry, whom he had himself just before displeased by unexpected scruples.

It was generally believed by their contemporaries that More and Fisher had corrected the manuscript of Henry's answer to Luther; while it is certain that the propensity of the king to theological discussions constituted one of the links of his intimacy with the former. As More's writings against the Lutherans were of great note in his own time, and as they were probably those of his works on which he exerted the most acuteness, and employed most knowledge, it would be wrong to omit all mention of them in an estimate of his mind, or as proofs of his disposition. They contain many anecdotes which throw considerable light on our ecclesiastical history during the first prosecution of the Protestants, or, as they were then called, Lutherans, under the old statutes against Lollards, during the period which extended from 1520 to 1532; and they do not seem to have been enough examined with that view by the historians of the Church.

Legal responsibility, in a well-constituted commonwealth, reaches to all the avowed advisers of the government, and to all those whose concurrence is necessary to the validity of its commands: but moral responsibility is usually or chiefly confined to the actual authors of each particular measure. It is true, that when a government has attained a state of more than usual regularity, the feelings of mankind become so well adapted to it, that men are held to be even morally responsible for sanctioning, by a base continuance in office, the bad policy which may be known not to originate with themselves. These re-

finements were, however, unknown in the reign of Henry VIII. The administration was then carried on under the personal direction of the monarch, who generally admitted one confidential servant only into his most secret counsels; and all the other ministers, whatever their rank might be, commonly confined their attention to the business of their own offices, or to the execution of special commands intrusted to them. This system was probably carried to its utmost height under so self-willed a prince as Henry, and by so domineering a minister as Wolsey. Although there can be no doubt that More, as a privy-councillor, attended and co-operated at the examination of the unfortunate Lutherans, his conduct in that respect was regarded by his contemporaries as little more than the enforcement of orders which he could not lawfully decline to obey. The opinion that a minister who disapproves measures which he cannot control is bound to resign his office, is of very modern origin, and still not universally entertained, especially if fidelity to a party be not called in to its aid. In the time of Henry, he was not thought even entitled to resign. The fact of More's attendance, indeed, appears in his controversial writings, especially by his answer to Tyndal. It is not equitable to treat him as effectively and morally, as well as legally, answerable for measures of state till the removal of Wolsey, and the delivery of the great seal into his own hands. The injustice of considering these transactions in any other light appears from the circumstance, that though he was joined with Wolsey in the splendid embassy to France in 1527, there is no reason to suppose that More was intrusted with the secret and main purpose of the embassy,—that of facilitating a divorce and a second marriage. His responsibility, in its most important and only practical part, must be contracted to the short time which extends from the 25th of October, 1529, when he was appointed chancellor, to the 16th of May, 1532, when he was removed from his office,

not much more than two years and a half.* Even after confining it to these narrow limits, it must be remembered, that he found the system of persecution established, and its machinery in a state of activity. The prelates, like most other prelates in Europe, did their part in convicting the Protestants of Lollardy in the spiritual courts, which were the competent tribunals for trying that offence. Our means of determining what executions for Lollardy (if any) took place when More had a decisive ascendant in the royal councils, are very imperfect. If it were certain that he was the adviser of such executions, it would only follow that he executed one part of the criminal law, without approving it, as succeeding judges have certainly done in cases of fraud and theft; — where they no more approved the punishment of death than the author of Utopia might have done in its application to heresy. If the progress of civilisation be not checked, we seem not far from the period when such capital punishments will appear as little consistent with humanity, and indeed with justice, as the burning of heretics now appears to us. More himself deprecates an appeal to his writings and those of his friend Erasmus, innocently intended by themselves, but abused by incendiaries to inflame the fury of the ignorant multitude.† "Men," says he (alluding evidently to Utopia), "cannot almost now speak of such things insomuch as in play, but that such evil hearers were a great deal the worse." "I would not now translate the Moria of Erasmus, — even some works that I myself have written ere this, into English, albeit there be none harm therein." It is evident that the two philosophers deeply felt the injustice of citing against them, as a proof of inconsistency, that they departed from the pleasantries, the gay dreams, — at most the fond speculations, of their early days, when

* Records in the Tower.

† More's Answer to Tyndal, part i. p. 128. (Printed by John Rastell, 1532.)

they saw these harmless visions turned into weapons of destruction in the blood-stained hands of the boors of Saxony, and of the ferocious fanatics of Munster. The virtuous love of peace might be more prevalent in More; the epicurean desire of personal ease predominated more in Erasmus: but both were, doubtless, from commendable or excusable causes, incensed against those odious disciples, who now, "with no friendly voice," invoked their authority against themselves.

If, however, we examine the question on the grounds of positive testimony, it is impossible to appeal to a witness of more weight than Erasmus. "It is," said he, "a sufficient proof of his clemency, that while he was chancellor, no man was put to death for these pestilent dogmas, while so many have suffered capital punishment for them in France, in Germany, and in the Netherlands."* The only charges against him on this subject, which are adverted to by himself, relate to minor severities: but as these may be marks of more cruelty than the infliction of death, let us listen on this subject to the words of the merciful and righteous man†: "Divers of them have said that of such as were in my house when I was chancellor, I used to examine them with torments, causing them to be bound to a tree in my garden, and there piteously beaten. Except their sure keeping, I never did else cause any such thing to be done unto any of the heretics in all my life, except only twain: one was a child and a servant of mine in mine own house, whom his father, ere he came to me, had nursed up in such matters, and set him to attend upon George Jay. This Jay did teach the child his ungracious heresy against the blessed sacrament of the altar; which heresy this child in my house began to teach another child. And upon that point I caused a servant of mine to strip him like a child before mine household,

* Op. vol. iii. p. 1811. † More's Apology, chap. 36.

for amendment of himself and ensample of others." "Another was one who, after he had fallen into these frantic heresies, soon fell into plain open frensy: albeit that he had been in Bedlam, and afterwards by beating and correction gathered his remembrance *; being therefore set at liberty, his old frensies fell again into his head. Being informed of his relapse, I caused him to be taken by the constables and bounden to a tree in the street before the whole town, and there striped him till he waxed weary. Verily, God be thanked, I hear no harm of him now. And of all who ever came in my hand for heresy, as help me God, else had never any of them any stripe or stroke given them, *so much as a fillip in the forehead.*" †

This statement, so minute, so capable of easy confutation, if in any part false, was made public after his fall from power, when he was surrounded by enemies, and could have no friends but the generous. It relates circumstances of public notoriety, or at least so known to all his own household (from which it appears that Protestant servants were not excluded), which it would have been rather a proof of insanity than of imprudence to have alleged in his defence, if they had not been indisputably and confessedly true. Wherever he touches this subject there is a quietness, and a circumstantiality, which are among the least equivocal marks of a man who adheres to the temper most favourable to the truth, because he is conscious that the truth is favourable to him.‡ Without rely-

* Such was then the mode of curing insanity!

† Apology, chap. 36.

‡ There is a remarkable instance of this observation in More's Dialogue, book iii. chap. xvi., where he tells, with some prolixity, the story of Richard Dunn, who was found dead, and hanging in the Lollard's Tower. The only part taken by More in this affair was his share as a privy councillor in the inquiry, whether Dunn hanged himself, or was murdered and then hanged up by the Bishop of London's chancellor. The evidence to prove that the death could not be suicide, was as absurd as the story of the bishop's chancellor was improbable. He was afterwards, how-

ing, therefore, on the character of More for probity and veracity (which it is derogatory to him to employ for such a purpose), the evidence of his humanity having prevailed over his opinion decisively outweighs the little positive testimony produced against him. The charge against More rests originally on Fox alone, from whom it is copied by Burnet, and with considerable hesitation by Strype. But the honest martyrologist writes too inaccurately to be a weighty witness in this case; for he tells us that Firth was put to death in June 1533, and yet imputes it to More, who had resigned his office a year before. In the case of James Baynham, he only says that the accused was chained to two posts for two nights in More's house, at some unspecified distance of time before his execution.

Burnet, in mentioning the extreme toleration taught in Utopia, truly observes, that if More had died at the time of its publication, "he would have been reckoned among those who only wanted a fit opportunity of declaring themselves openly for a reformation."* The same sincere and upright writer was too zealous for an historian, when he added:— "When More was raised to the chief post in the ministry, he became a persecutor even to blood, and defiled those hands which were never polluted with bribes." In excuse for the total silence of the honest bishop respecting the opposite testimony of More himself (of whom Burnet speaks even then with reverence), the reader must be reminded that the third volume of the History of the Reformation was written in the old age of the Bishop of Salisbury, thirty years after those more laborious researches, which attended the composition of the two former volumes, and under the influence of those animosities against the Roman

ever, convicted by a jury, but pardoned, it should seem rightly, by the King.

* History of the Reformation (Lond. 1820), vol. iii. part i. p. 45.

Catholic Church, which the conspiracy of Queen Anne's last ministers against the Revolution had revived with more than their youthful vigour. It must be owned that he from the commencement acquiesced too lightly in the allegations of Fox; and it is certain, that if the fact, however deplorable, had been better proved, yet in that age it would not have warranted such asperity of condemnation.*

The date of the work in which More denies the charge, and challenges his accusers to produce their proofs, would have roused the attention of Burnet if he had read it. This book, entitled "The Apology of Sir Thomas More," was written in 1533, "after he had given over the office of lord chancellor," and when he was in daily expectation of being committed to the Tower. Defenceless and obnoxious as he then was, no man was hardy enough to dispute his truth. Fox was the first who, thirty years afterwards, ventured to oppose it in a vague statement, which we know to be in some respects inaccurate; and on this slender authority alone has rested such an imputation on the veracity of the most sincere of men. Whoever reads the Apology will perceive, from the melancholy ingenuousness with which he speaks of the growing unpopularity of his religion in the court and country, that he could not have hoped to escape exposure, if it had been then possible to question his declaration.†

* The change of opinion in Erasmus, and the less remarkable change of More in the same respect, is somewhat excused by the excesses and disorders which followed the Reformation. "To believe," says Bayle, "that the church required reformation, and to approve a particular manner of reforming it, are two very different things. To blame the opponents of reformation, and to disapprove the conduct of the reformers, are two things very compatible. A man may then imitate Erasmus, without being an apostate or a traitor." — Dictionary, art. Castellan. These are positions too reasonable to be practically believed, at the time when their adoption would be most useful.

† In the Apology, More states that four-tenths of the people

On the whole, then, More must not only be absolved; but when we consider that his administration occurred during a hot paroxysm of persecution, — that intolerance was the creed of his age,— that he himself, in his days of compliance and ambition, had been drawn over to it as a theory,— that he was filled with alarm and horror by the excesses of the heretical insurgents in Germany, we must pronounce him, by his abstinence from any practical share in it, to have given stronger proofs than any other man, of a repugnance to that execrable practice, founded on the unshaken basis of his natural humanity.

The fourth book of the Dialogue* exhibits a lively picture of the horror with which the excesses of the Reformers had filled the mind of this good man, whose justice and even humanity were disturbed, so far at least as to betray him into a bitterness of language and harshness of opinion foreign from his general temper. The events themselves are, it must be owned, sufficient to provoke the meekest, — to appal the firmest of men. "The temporal lords," he tells us, "were glad to hear the cry against the clergy; the people were glad to hear it against the clergy and the lords too. They rebelled first against an abbot, and after against a bishop, wherewith the temporal lords had good game and sport, and dissembled the matter, gaping after the lands of the spirituality, till they had almost played, as Æsop telleth of the dog, which, to snatch at the shadow of the cheese in the water, let fall and lost the cheese which he bare in his mouth. The uplandish Lutherans set upon the temporal lords: they slew 70,000 Lutherans in one summer, and subdued the remnant in that part of Almayne into a right

were unable to read; — probably an overrated estimate of the number of readers.

* Dialogue of Sir Thomas More, touching the pestilent sect of Luther, composed and published when he was chancellor of the duchy of Lancaster, "but newly *oversene* by the said Sir T. More, chancellor of England," 1530.

miserable servitude. Of this sect was the great part* of those ungracious people which of late entered Rome with the Duke of Bourbon." The description of the horrible crimes perpetrated on that occasion is so disgusting in some of its particulars, as to be unfit for the decency of historical narrative. One specimen will suffice, which, considering the constant intercourse between England and Rome, is not unlikely to have been related to More by an eye-witness: — "Some took children and bound them to torches, and brought them gradually nearer to the fire to be roasted, while the fathers and mothers were looking on, and then began to speak of a price for the sparing of the children asking first 100 ducats, then fifty, then forty, then at last offered to take twain: after they had taken the last ducat from the father, then would they let the child roast to death." This wickedness (More contended) was the fruit of Luther's doctrine of predestination; "for what good deed can a man study or labour to do, who believeth Luther, that he hath no free will of his own."† "If the world were not near an end, and the fervour of devotion almost quenched, it could never have come to pass that so many people should fall to the following of so beastly a sect." He urges at very great length, and with great ability, the tendency of belief in destiny to overthrow morality; and represents it as an opinion of which, on account of its incompatibility with the order of society, the civil magistrate may lawfully punish the promulgation; little aware how decisively experience was about to confute such reasoning, however specious, by the examples of nations, who, though their whole religion was founded on predestination, were, nevertheless, the most moral portion of mankind.‡ "The fear," says More, "of outrages and mischiefs to follow upon such

* A violent exaggeration. † Dialogue, book iv. chap. 8.
‡ Switzerland, Holland, Scotland, English Puritans, New England, French Huguenots, &c.

heresies, with the proof that men have had in some countries thereof, have been the cause that princes and people have been constrained to punish heresies by a terrible death; whereas else more easy ways had been taken with them. If the heretics had never begun with violence, good Christian people had peradventure used less violence against them: while they forbare violence, there was little violence done unto them. 'By my soul,' quoth your friend*, 'I would all the world were agreed to take violence and compulsion away.' 'And sooth,' said I, 'if it were so, yet would God be too strong for his enemies.'" In answer, he faintly attempts to distinguish the case of Pagans, who may be tolerated, in order to induce them to tolerate Christians, from that of heretics, from which no such advantage was to be obtained in exchange; — a distinction, however, which disappeared as soon as the supposed heretics acquired supreme power. At last, however, he concludes with a sentence which sufficiently intimates the inclination of his judgment, and shows that his ancient opinions still prevailed in the midst of fear and abhorrence. "And yet, as I said in the beginning, never were they by any temporal punishment of their bodies any thing sharply handled till they began to be violent themselves." It is evident that his mind misgave him when he appeared to assent to intolerance as a principle; for otherwise there was no reason for repeatedly relying on the defence of society against aggression as its justification. His silence, however, respecting the notorious fact, that Luther strained every nerve to suppress the German insurgents, can never be excused by the sophistry which ascribes to all reformers the evil done by those who abuse their names. It was too much to say that Luther should not have uttered what he believed to be sacred and necessary truth, because evil-doers took

* This wish is put into the mouth of the adverse speaker in the Dialogue.

occasion from it to screen their bad deeds. This controversial artifice, however grossly unjust, is yet so plausible and popular, that perhaps no polemic ever had virtue enough to resist the temptation of employing it. What other controversialist can be named, who, having the power to crush antagonists whom he viewed as the disturbers of the quiet of his own declining age, — the destroyers of all the hopes which he had cherished for mankind, contented himself with severity of language (for which he humbly excuses himself in his Apology — in some measure a dying work), and with one instance of unfair inference against opponents who were too zealous to be merciful.

In the autumn of 1529 More, on his return from Cambray, where he had been once more joined in commission with his friend Tunstall as ambassador to the emperor, paid a visit to the court, then at Woodstock. A letter written from thence to his wife, on occasion of a mishap at home, is here inserted as affording a little glimpse into the management of his most homely concerns, and especially as a specimen of his regard for a deserving woman, who was, probably, too "coarsely kind" even to have inspired him with tenderness.*

"Mistress Alyce, in my most harty will, I recomend me to you. And whereas I am enfourmed by my son Heron of the loss of our barnes and our neighbours also, w^t^ all the corne that was therein, albeit (saving God's pleasure) it is gret pitie of so much good corne lost, yet sith it hath liked hym to send us such a chance, we must saie bounden, not only to be content, but also to be glad of his visitation. He sent us all that we have lost: and sith he hath by such a chance

* In More's metrical inscription for his own monument, we find a just, but long and somewhat laboured, commendation of Alice, which in tenderness is outweighed by one word applied to the long-departed companion of his youth.

"Chara Thomæ jacet hic Joanna uxorcula Mori."

taken it away againe, his pleasure be fulfilled. Let us never grudge thereat, but take it in good worth, and hartely thank him, as well for adversitie, as for prosperitie. And par adventure we have more cause to thank him for our losse, than for our winning: for his wisedom better seeth what is good for us then we do ourselves. Therefore I pray you be of good cheere, and take all the howsold with you to church, and there thank God both for that he hath given us, and for that he has left us, which if it please hym, he can increase when he will. And if it please him to leave us yet lesse, at hys pleasure be it. I praye you to make some good ensearche what my poor neighbours have loste, and bidde them take no thought therefore, and if I shold not leave myself a spone, there shall no poore neighbour of mine bere no losse by any chance happened in my house. I pray you be with my children and household mery in God. And devise somewhat with your friends, what way wer best to take, for provision to be made for corne for our household and for sede thys yere coming, if ye thinke it good that we keepe the ground still in our handes. And whether ye think it good y^t^ we so shall do or not, yet I think it were not best sodenlye thus to leave it all up, and to put away our folk of our farme, till we have somewhat advised us thereon. Howbeit if we have more nowe than ye shall neede, and which can get the other maisters, ye may then discharge us of them. But I would not that any man wer sodenly sent away he wote nere wether. At my coming hither, I perceived none other, but that I shold tary still with the kinges grace. But now I shall (I think), because of this chance, get leave this next weke to come home and se you; and then shall we further devise together uppon all thinges, what order shall be best to take: and thus as hartely fare you well with all our children as you can wishe. At Woodstok the thirde daye of Septembre, by the hand of

"Your loving husband,

"THOMAS MORE, Knight."

A new scene now opened on More, of whose private life the above simple letter enables us to form no inadequate or unpleasing estimate. On the 25th of October 1529, sixteen days after the commencement of the prosecution against Wolsey, the King, by delivering the great seal to him at Greenwich, constituted him lord chancellor,—the highest dignity of the state and of the law, and which had previously been generally held by ecclesiastics.* A very summary account of the nature of this high office may perhaps prevent some confusion respecting it among those who know it only in its present state. The office of chancellor was known to all the European governments, who borrowed it, like many other institutions, from the usage of the vanquished Romans. In those of England and France, which most resembled each other, and whose history is most familiar and most interesting to us†, the chancellor, whose office had been a conspicuous dignity under the Lower Empire, was originally a secretary who derived a great part of his consequence from the trust of holding the king's seal, the substitute for subscription under illiterate monarchs, and the stamp of legal authority in more cultivated times. From his constant access to the king, he acquired every where some authority in the cases which were the frequent subject of complaint to the crown. In France, he became a minister of state with a peculiar superintendence over courts of justice, and some remains of a special jurisdiction, which continued till the downfall of the French monarchy. In the English chancellor were gradually united the characters of a legal magistrate and a political adviser; and since that time the office has been confined to lawyers in eminent practice. He has been presumed to have a due reverence for the

* Thorpe, in 1371, and Knivet, in 1372, seem to be the last exceptions.

† Ducange and Spelman, *voce* Cancellarius, who give us the series of Chancellors in both countries.

law, as well as a familiar acquaintance with it; and his presence and weight in the counsels of a free commonwealth have been regarded as links which bind the state to the law.

One of the earliest branches of the chancellor's duties seems, by slow degrees, to have enlarged his jurisdiction to the extent which it reached in modern times.* From the chancery issued those writs which first put the machinery of law in motion in every case where legal redress existed. In that court new writs were framed, when it was fit to adapt the proceedings to the circumstances of a new case. When a case arose in which it appeared that the course and order of the common law could hardly be adapted, by any variation in the forms of procedure, to the demands of justice, the complaint was laid, by the chancellor, before the king, who commanded it to be considered in council, — a practise which, by degrees, led to a reference to that magistrate by himself. To facilitate an equitable determination in such complaints, the writ was devised called the writ of "*subpœnâ*," commanding the person complained of to appear before the chancellor, and to answer the complaint. The essential words of a petition for this writ, which in process of time has become of so great importance, were in the reign of Richard III. as follows: "Please it therefore, your lordship, — considering that your orator has no remedy by course of the common law, — to grant a writ *subpœnâ*, commanding T. Coke to appear in chancery, at a certain day, and upon a certain pain to be limited by you, and then to do what by this court shall be thought reasonable and according to conscience." The form had not been materially different in the earliest instances, which appear to have occurred from 1380 to 1400. It would seem that this device was not first employed, as has been

* "Non facile est digito monstrare quibus gradibus, sed conjecturam accipe." — Spelman, *voce* Cancellarius.

hitherto supposed *, to enforce the observance of the duties of trustees who held lands, but for cases of an extremely different nature, where the failure of justice in the ordinary courts might ensue, not from any defect in the common law, but from the power of turbulent barons, who in their acts of outrage and lawless violence, bade defiance to all ordinary jurisdiction. In some of the earliest cases we find a statement of the age and poverty of the complainant, and of the power, and even learning, of the supposed wrongdoer; — topics addressed to compassion, or at most to equity in a very loose and popular sense of the word, which throw light on the original nature of this high jurisdiction.† It is apparent, from the earliest cases in the reign of Richard II., that the occasional relief proceeding frem mixed feelings of pity and of regard to substantial justice, not effectually aided by law, or overpowered by tyrannical violence, had then grown into a regular system, and was subject to rules resembling those of legal jurisdiction. At first sight it may appear difficult to conceive how ecclesiastics could have moulded into a regular form this anomalous branch of jurisprudence. But many of the ecclesiastical order, — originally the only lawyers, — were

* Blackstone, book iii. chap. 4.

† Calendars of Proceedings in Chancery, temp. Eliz. London, 1827. Of ten of these suits which occurred in the last ten years of the fourteenth century, one complains of ouster from land by violence; another, of exclusion from a benefice, by a writ obtained from the king under false suggestions; a third, for the seizure of a freeman, under pretext of being a slave (or nief); a fourth, for being disturbed in the enjoyment of land by a trespasser, abetted by the sheriff; a fifth, for imprisonment on a false allegation of debt. No case is extant prior to the first year of Henry V., which relates to the trust of lands, which eminent writers have represented as the original object of this jurisdiction. In the reign of Henry VI. there is a bill against certain Wycliffites for outrages done to the plaintiff, Robert Burton, chanter of the cathedral of Lincoln, on account of his zeal as an inquisitor in the diocese of Lincoln, to convict and punish heretics.

eminently skilled in the civil and canon law, which had attained an order and precision unknown to the digests of barbarous usages then attempted in France and England. The ecclesiastical chancellors of those countries introduced into their courts a course of proceeding very similar to that adopted by other European nations, who all owned the authority of the canon law, and were enlightened by the wisdom of the Roman code. The proceedings in chancery, lately recovered from oblivion, show the system to have been in regular activity about a century and a half before the chancellorship of Sir Thomas More, — the first common lawyer who held the great seal since the Chancellor had laid any foundations (known to us) of his equitable jurisdiction. The course of education, and even of negotiation in that age, conferred on More, who was the most distinguished of the practisers of the common law, the learning and ability of a civilian and a canonist.

Of his administration, from the 25th of October 1529, to the 16th of May 1532, four hundred bills and answers are still preserved, which afford an average of about a hundred and sixty suits annually. Though this average may by no means adequately represent the whole occupations of a court which had many other duties to perform, it supplies us with some means of comparing the extent of its business under him with the number of similar proceedings in succeeding times. The whole amount of bills and answers in the reign of James I. was 32,000. How far the number may have differed at different parts of that reign, the unarranged state of the records does not yet enable us to ascertain. But supposing it, by a rough estimate, to have continued the same, the annual average of bills and answers during the four years of Lord Bacon's administration was 1461, being an increase of nearly ten-fold in somewhat less than a century. Though causes connected with the progress of the jusisdiction and the character of the

chancellor must have somewhat contributed to this remarkable increase, yet it must be ascribed principally to the extraordinary impulse given to daring enterprise and national wealth by the splendid administration of Elizabeth, which multiplied alike the occasions of litigation and the means of carrying it on.* In a century and a half after, when equitable jurisdiction was completed in its foundations and most necessary parts by Lord Chancellor Nottingham, the yearly average of suits was during his tenure of the great seal, about sixteen hundred.† Under Lord Hardwicke, the chancellor of most professional celebrity, the yearly average of bills and answers appears to have been about two thousand; probably in part because more questions had been finally determined, and partly also because the delays were so aggravated by the multiplicity of business, that parties aggrieved chose rather to submit to wrong than to be ruined in pursuit of right. This last mischief arose in a great measure from the variety of affairs added to the original duties of the judge, of which the principal were bankruptcy and parliamentary appeals. Both these causes continued to act with increasing force; so that, in spite of a vast increase of the property and dealings of the kingdom, the average number of bills and answers was considerably less from 1800 to 1802 than it had been from 1745 to 1754.‡

It must not be supposed that men trained in any system of jurisprudence, as were the ecclesiastical

* From a letter of Lord Bacon (Lords' Journals, 20th March, 1680), it appears that he made 2000 decrees and orders in a year; so that in his time the bills and answers amounted to about two-thirds of the whole business.

† The numbers have been obligingly supplied by the gentlemen of the Record Office in the Tower.

‡ Account of Proceedings in Parliament relative to the Court of Chancery. By C. P. Cooper, Esq. (Lond. 1828), p. 102., &c. — A work equally remarkable for knowledge and acuteness.

chancellors, could have been indifferent to the inconvenience and vexation which necessarily harass the holders of a merely arbitrary power. Not having a law, they were a law unto themselves; and every chancellor who contributed by a determination to establish a principle, became instrumental in circumscribing the power of his successor. Selden is, indeed, represented to have said, "that equity is according to the conscience of him who is chancellor, which is as uncertain as if we made the chancellor's foot the standard for the measure which we call a foot."* But this was spoken in the looseness of table-talk, and under the influence of the prejudices then prevalent among common lawyers against equitable jurisdiction. Still, perhaps, in his time, what he said might be true enough for a smart saying: but in process of years a system of rules has been established, which has constantly tended to limit the originally discretionary powers of the chancery. Equity, in the acceptation in which that word is used in English jurisprudence, is no longer to be confounded with that *moral equity* which generally corrects the unjust operation of law, and with which it seems to have been synonymous in the days of Selden and Bacon. It is a part of law formed from usages and determinations which sometimes differ from what is called "common law" in its subjects, but chiefly varies from it in its modes of proof, of trial, and of relief; it is a jurisdiction so irregularly formed, and often so little dependent on general principles, that it can hardly be defined or made intelligible otherwise than by a minute enumeration of the matters cognisable by it.†

It will be seen from the above that Sir Thomas More's duties differed very widely from the various exertions of labour and intellect required from a mo-

* Table Talk (Edinb. 1809), p. 55.

† Blackstone, book iii. chap. 27. Lord Hardwicke's Letter to Lord Kames, 30th June, 1757. — Lord Woodhouselee's Life of Lord Kames, vol. i. p. 237.

dern chancellor. At the utmost he did not hear more than two hundred cases and arguments yearly, including those of every description. No authentic account of any case tried before him, if any such be extant, has been yet brought to light. No law book alludes to any part of his judgments or reasonings. Nothing of this higher part of his judicial life is preserved, which can warrant us in believing more than that it must have displayed his never-failing integrity, reason, learning, and eloquence.

The particulars of his instalment are not unworthy of being specified as a proof of the reverence for his endowments and excellences professed by the King and entertained by the public, to whose judgment the ministers of Henry seemed virtually to appeal, with an assurance that the King's appointment would be ratified by the general voice. "He was led between the Dukes of Norfolk and Suffolk up Westminster Hall to the Stone Chamber, and there they honourably placed him in the high judgment-seat of chancellor*;" (for the chancellor was, by his office, the president of that terrible tribunal). "The Duke of Norfolk, premier peer and lord high treasurer of England," continues the biographer, "by the command of the king, spoke thus *unto the people there with great applause and joy gathered together:*—

"'The King's majesty (which, I pray God, may prove happie and fortunate to the whole realme of England) hath raised to the most high dignitie of chancellourship Sir Thomas More, a man for his extraordinarie worth and sufficiencie well knowne to himself and the whole realme, for no other cause or earthlie respect, but for that he hath plainely perceaved all the gifts of nature and grace to be heaped upon him, which either the people could desire, or himself wish, for the discharge of so great an office. For the admirable wisedome, integritie, and innocencie, joyned

* More, pp. 156. 163.

with most pleasant facilitie of witt, that this man is endowed withall, have been sufficiently knowen to all Englishmen from his youth, and for these manie yeares also to the King's majestie himself. This hath the King abundantly found in manie and weightie affayres, which he hath happily dispatched both at home and abroad, in divers offices which he hath born, in most honourable embassages which he hath undergone, and in his daily counsell and advises upon all other occasions. He hath perceaved no man in his realme to be more wise in deliberating, more sincere in opening to him what he thought, nor more eloquent to adorne the matter which he uttered. Wherefore, because he saw in him such excellent endowments, and that of his especiall care he hath a particular desire that his kingdome and people might be governed with all equitie and justice, integritie and wisedome, he of his owne most gracious disposition hath created this singular man lord chancellor; that, by his laudable performance of this office, his people may enjoy peace and justice; and honour also and fame may redounde to the whole kingdome. It may perhaps seem to manie a strange and unusuall matter, that this dignitie should be bestowed upon a layman, none of the nobilitie, and one that hath wife and children; because heretofore none but singular learned prelates, or men of greatest nobilitie, have possessed this place; but what is wanting in these respects, the admirable vertues, the matchless guifts of witt and wisedome of this man, doth most plentifully recompence the same. For the King's majestie hath not regarded how great, but what a man he was; he hath not cast his eyes upon the nobilitie of his bloud, but on the worth of his person; he hath respected his sufficiencie, not his profession; finally, he would show by this his choyce, that he hath some rare subjects amongst the rowe of gentlemen and laymen, who deserve to manage the highest offices of the realme, which bishops and noblemen think they only can deserve. The rarer therefore

it was, so much both himself held it to be the more excellent, and to his people he thought it would be the more gratefull. Wherefore, receave this your chancellour with joyful acclamations, at whose hands you may expect all happinesse and content.'

"Sir Thomas More, according to his wonted modestie, was somewhat abashed at this the duke's speech, in that it sounded so much to his praise, but recollecting himself as that place and time would give him leave, he answered in this sorte:—'Although, most noble duke, and you right honourable lords, and worshipfull gentlemen, I knowe all these things, which the King's majestie, it seemeth, hath bene pleased should be spoken of me at this time and place, and your grace hath with most eloquent wordes thus amplifyed, are as far from me, as I could wish with all my hart they were in me for the better performance of so great a charge; and although this your speach hath caused in me greater feare than I can well express in words: yet this incomparable favour of my dread soueraigne, by which he showeth how well, yea how highly he conceaveth of my weakenesse, having commanded that my meanesse should be so greatly commended, cannot be but most acceptable unto me; and I cannot choose but give your most noble grace exceeding thankes, that what his majestie hath willed you briefly to utter, you, of the abundance of your love unto me, have in a large and eloquent oration dilated. As for myself, I can take it no otherwise, but that his majestie's incomparable favour towards me, the good will and incredible propension of his royall minde (wherewith he has these manie yeares favoured me continually) hath alone without anie desert of mine at all, caused both this my new honour, and these your undeserved commendations of me. For who am I, or what is the house of my father, that the King's highnesse should heape upon me by such a perpetuall streame of affection, these so high honours? I am farre lesse then anie the meanest of his

benefitts bestowed on me; how can I then thinke myself worthie or fitt for this so peerlesse dignitie? I have bene drawen by force, as the King's majestie often professeth, to his highnesse's service, to be a courtier; but to take this dignitie upon me, is most of all against my will; yet such is his highnesse's benignitie, such is his bountie, that he highly esteemeth the small dutiefulnesse of his meanest subjects, and seeketh still magnificently to recompence his servants; not only such as deserve well, but even such as have but a desire to deserve well at his hands, in which number I have alwaies wished myself to be reckoned, because I cannot challenge myself to be one of the former; which being so, you may all perceave with me how great a burden is layde upon my backe, in that I must strive in some sorte with my diligence and dutie to corresponde with his royall benevolence, and to be answerable to that great expectation, which he and you seeme to have of me; wherefore those so high praises are by me so much more grievous unto me, by how much more I know the greater charge I have to render myself worthie of, and the fewer means I have to make them goode. This weight is hardly suitable to my weake shoulders; this honour is not correspondent to my poore desert; it is a burden, not a glorie; a care, not a dignitie; the one therefore I must beare as manfully as I can, and discharge the other with as much dexteritie as I shall be able. The earnest desire which I have alwaies had and doe now acknowledge myself to have, to satisfye by all meanes I can possible, the most ample benefitts of his highnesse, will greatly excite and ayde me to the diligent performance of all, which I trust also I shall be more able to doe, if I finde all your good wills and wishes both favourable unto me, and conformable to his royall munificence: because my serious endeavours to doe well, joyned with your favourable acceptance, will easily procure that whatsoever is performed by me, though it be in itself but small, yet it will seeme great

and praiseworthie; for those things are alwaies atchieved happily which are accepted willingly; and those succeede fortunately, which are receaved by others courteously. As you therefore doe hope for great matters, and the best at my hands, so though I dare not promise anie such, yet do I promise truly and affectionately to performe the best I shall be able.'

"When Sir Thomas More had spoken these wordes, turning his face to the high judgment seate of the chancerie, he proceeded in this manner:—'But when I looke upon this seate, when I thinke how greate and what kinde of personages have possessed this place before me, when I call to minde who he was that sate in it last of all—a man of what singular wisdome, of what notable experience, what a prosperous and favourable fortune he had for a great space, and how at the last he had a most grevious fall, and dyed inglorious—I have cause enough by my predecessor's example to think honour but slipperie, and this dignitie not so grateful to me as it may seeme to others; for both is it a hard matter to follow with like paces or praises, a man of such admirable witt, prudence, authoritie, and splendour, to whome I may seeme but as the lighting of a candle, when the sun is downe; and also the sudden and unexpected fall of so great a man as he was doth terribly putt me in minde that this honour ought not to please me too much, nor the lustre of this glistering seate dazel mine eyes. Wherefore I ascende this seate as a place full of labour and danger, voyde of all solide and true honour; the which by how much the higher it is, by so much greater fall I am to feare, as well in respect of the verie nature of the thing it selfe, as because I am warned by this late fearfull example. And truly I might even now at this verie just entrance stumble, yea faynte, but that his majestie's most singular favour towardes me, and all your good wills, which your joyfull countenance doth testifye in this most honorable assemblie, doth somewhat recreate and refresh me; otherwise this seate would be no more

pleasing to me, than that sword was to Damocles, which hung over his head, tyed only by a hayre of a horse's tale, when he had store of delicate fare before him, seated in the chair of state of Denis the tirant of Sicilie; this therefore shall be always fresh in my minde, this will I have still before mine eies, that this seate will be honorable, famous, and full of glorie unto me, if I shall with care and diligence, fidelitie and wisedome, endeavour to doe my dutie, and shall persuade myself, that the enjoying thereof may be but short and uncertaine: the one whereof my labour ought to performe; the other my predecessor's example may easily teach me. All which being so, you may easily perceave what great pleasure I take in this high dignitie, or in this most noble duke's praising of me.'

"All the world took notice now of sir Thomas's dignitie, whereof Erasmus writeth to John Fabius, Bishop of Vienna, thus:—'Concerning the new increase of honour lately happened to Thomas More, I should easily make you believe it, if I should shew you the letters of many famous men, rejoicing with much alacritie, and congratulating the King, the realme, himself, and also me, for More's honor, in being made lord chancellour of England.'"

At the period of the son's promotion, Sir John More, who was nearly of the age of ninety, was the most ancient judge of the King's Bench. "What a grateful spectacle was it," says their descendant, "to see the son ask the blessing of the father every day upon his knees before he sat upon his own seat?"* Even in a more unceremonious age, the simple character of More would have protected these daily rites of filial reverence from that suspicion of affectation, which could alone destroy their charm. But at that time it must have borrowed its chief power from the conspicuous excellence of the father and son. For if inward worth had then borne any proportion to the grave and reverend ceremonial of the age, we might

* More, p. 163.

be well warranted in regarding our forefathers as a race of superior beings.

The contrast which the humble and affable More afforded to the haughty cardinal, astonished and delighted the suitors. No application could be made to Wolsey, which did not pass through many hands; and no man could apply, whose fingers were not tipped with gold: but More sat daily in an open hall, that he might receive in person the petitions of the poor. If any reader should blame his conduct in this respect, as a breach of an ancient and venerable precept, — "Ye shall do no unrighteousness *in judgment;* thou shalt not respect the person of the poor, nor honour the person of the mighty; but in *righteousness* shalt thou *judge* thy neighbour *," let it be remembered, that there still clung to the equitable jurisdiction some remains of that precarious and eleemosynary nature from which it originally sprung; which, in the eyes of the compassionate chancellor, might warrant more preference for the helpless poor than could be justified in proceedings more rigorously legal.

Courts of law were jealous then, as since, of the power assumed by chancellors to issue *injunctions* to parties to desist from doing certain acts which they were by law entitled to do, until the court of chancery should determine whether the exercise of the legal right would not work injustice. There are many instances in which irreparable wrong may be committed, before a right can be ascertained, in the ordinary course of proceedings. In such cases it is the province of the Chancellor to take care that affairs shall continue in their actual condition until the questions in dispute be determined. A considerable outcry against this necessary, though invidious authority, was raised at the commencement of More's chancellorship. He silenced this clamour with his wonted prudence and meekness. Having caused one of the six clerks to

* Leviticus, chap. xix. v. 15.

make out a list of the injunctions issued by him, or pending before him, he invited all the judges to dinner. He laid the list before them; and explained the circumstances of each case so satisfactorily, that they all confessed that in the like case they would have done no less. Nay, he offered to desist from the jurisdiction, if they would undertake to contain the law within the boundaries of righteousness, which he thought they ought in conscience to do. The judges declined to make the attempt; on which he observed privately to Roper, that he saw they trusted to their influence for obtaining verdicts which would shift the responsibility from them to the juries. "Wherefore," said he, "I am constrained to abide the adventure of their blame."

Dauncey, one of his sons-in-law, alleged that under Wolsey "even the door-keepers got great gains," and was so perverted by the venality there practised that he expostulated with More for his churlish integrity. The chancellor said, that if "his father, whom he reverenced dearly, were on the one side, and the devil, whom he hated with all his might, on the other, the devil should have his right." He is represented by his descendant, as softening his answer by promising minor advantages, such as priority of hearing, and recommendation of arbitration, where the case of a friend was bad. The biographer, however, not being a lawyer, might have misunderstood the conversation, which had to pass through more than one generation before the tradition reached him; or the words may have been a hasty effusion of good nature, uttered only to qualify the roughness of his honesty. If he had been called on to perform these promises, his head and heart would have recoiled alike from breaches of equality which he would have felt to be altogether dishonest. When Heron, another of his sons-in-law, relied on the bad practices of the times, so far as to entreat a favourable judgment in a cause of his own, More, though the most affectionate of fathers, imme-

diately undeceived him by an adverse decree. This act of common justice is made an object of panegyric by the biographer, as if it were then deemed an extraordinary instance of virtue; a deplorable symptom of that corrupt state of general opinion, which, half a century later, contributed to betray into ignominious vices the wisest of men, and the most illustrious of chancellors, — if the latter distinction be not rather due to the virtue of a More or a Somers.

He is said to have despatched the causes before him so speedily, that, on asking for the next, he was told that none remained; which is boastfully contrasted by Mr. More, his descendant, with the arrear of a thousand in the time of that gentleman, who lived in the reign of Charles I.; though we have already seen that this difference may be referred to other causes, and therefore that the fact, if true, proves no more than his exemplary diligence and merited reputation.

The scrupulous and delicate integrity of More (for so it must be called in speaking of that age) was more clearly shown after his resignation, than it could have been during his continuance in office. One Parnell complained of him for a decree obtained by his adversary Vaughan, whose wife had bribed the chancellor by a gilt cup. More surprised the counsel at first, by owning that he received the cup as a new year's gift. Lord Wiltshire, a zealous Protestant, indecently, but prematurely exulted: "Did I not tell you, my lords," said he, "that you would find this matter true?" "But, my lords," replied More, "hear the other part of my tale." He then told them that, "having drank to her of wine with which his butler had filled the cup, and she having pledged him, he restored it to her, and would listen to no refusal." When Mrs. Croker, for whom he had made a decree against Lord Arundel, came to him to request his acceptance of a pair of gloves, in which were contained 40*l.* in angels, he told her, with a smile, that it were ill manners to refuse a lady's present: but though he should keep the gloves,

he must return the gold, which he enforced her to receive. Gresham, a suitor, sent him a present of a gilt cup, of which the fashion pleased him: More accepted it; but would not do so till Gresham received from him another cup of greater value, but of which the form and workmanship were less suitable to the Chancellor. It would be an indignity to the memory of such a man to quote these facts as proofs of his probity; but they may be mentioned as specimens of the simple and unforced honesty of one who rejected improper offers with all the ease and pleasantry of common courtesy.

Henry, in bestowing the great seal on More, hoped to dispose his chancellor to lend his authority to the projects of divorce and second marriage, which were now agitating the King's mind, and were the main objects of his policy.* Arthur, the eldest son of Henry VII., having married Catharine, the daughter of Ferdinand and Isabella, sovereigns of Castile and Arragon, and dying very shortly after his nuptials, Henry had obtained a dispensation from Pope Julius II. to enable the princess to marry her brother-in-law, afterwards Henry VIII.; and in this last-mentioned union, of which the Princess Mary was the only remaining fruit, the parties had lived sixteen years in apparent harmony. But in the year 1527, arose a concurrence of events, which tried and established the virtue of More, and revealed to the world the depravity of his master. Henry had been touched by the charms of Anne Boleyn, a beautiful young lady, in her twenty-second year, the daughter of Sir Thomas Boleyn, Earl of Wiltshire, who had lately returned from the court of France, where her youth had been spent. At the same moment it became the policy of Francis I. to loosen all the ties which joined the King

* "Thomas Morus, doctrinâ et probitate spectabilis vir, cancellarius in Wolsæi locum constituitur. *Neutiquam Regis causæ æquior.*"—Thuanus, Historia sui Temporis, lib. ii. c. 16.

of England to the Emperor. When the Bishop of Tarbes, his ambassador in England, found, on his arrival in London, the growing distaste of Henry for his inoffensive and exemplary wife, he promoted the King's inclination towards divorce, and suggested a marriage with Margaret, Duchess of Alençon, the beautiful and graceful sister of Francis I.*

At this period Henry, for the first time, professed to harbour conscientious doubts whether the dispensation of Julius II. could suspend the obligation of the divine prohibition pronounced against such a marriage as his in the Levitical law.† The court of Rome did not dare to contend that the dispensation could reach the case if the prohibition were part of the universal law of God. Henry, on the other side, could not consistently question its validity, if he considered the precept as belonging to merely positive law. To this question, therefore, the dispute was confined, though both parties shrunk from an explicit and precise avowal of their main ground. The most reasonable solution, that it was a local and temporary law, forming a part of the Hebrew code, might seem at first sight to destroy its authority altogether. But if either party had been candid, this prohibition, adopted by all Christendom, might be justified by that general

* "Margarita, Francisci soror, spectatæ formæ et venustatis fœmina, Carolo Alenconio duce marito paulo ante mortuo, vidua permanserat. Ea destinata uxor Henrico: missique Wolsæus et Bigerronum Præsul qui de dissolvendo matrimonio cum Gallo agerent. Ut Caletum appulit, Wolsæus mandatum à rege contrarium accipit, rescivitque per amicos Henricum non tam Galli adfinitatem quam insanum amorem, quo Annam Bolenam prosequebatur, explere velle." — Ibid. No trace of the latter part appears in the State Papers just (1831) published.

† Leviticus, chap. xx. v. 22. But see Deuteronomy, chap. xxv. v. 5. The latter text, which allows an exception in the case of a brother's wife being left childless, may be thought to strengthen the prohibition in all cases not excepted. It may seem applicable to the precise case of Henry. But the application of that text is impossible; for it contains an injunction, of which the breach is chastised by a disgraceful punishment.

usage, in a case where it was not remarkably at variance with reason or the public welfare. But such a doctrine would have lowered the ground of the Papal authority too much to be acceptable to Rome, and yet, on the other hand, rested it on too unexceptionable a foundation to suit the case of Henry. False allegations of facts in the preamble of the bull were alleged on the same side; but they were inconclusive. The principal arguments in the King's favour were, that no precedents of such a dispensation seem to have been produced; and that if the Levitical prohibitions do not continue in force under the Gospel, there is no prohibition against incestuous marriages in the system of the New Testament. It was a disadvantage to the Church of Rome in the controversy, that being driven from the low ground by its supposed tendency to degrade the subject, and deterred from the high ground by the fear of the reproach of daring usurpation, the inevitable consequence was confusion and fluctuation respecting the first principles on which the question was to be determined.

To pursue this subject through the long negotiations and discussions which it occasioned during six years, would be to lead us far from our subject. Clement VII. (*Medici*) had been originally inclined to favour the suit* of Henry, according to the usual policy of the Roman court, which sought plausible pretexts for facilitating the divorce of kings, whose matrimonial connections might be represented as involving the quiet of nations. The sack of Rome, however, and his own captivity left him full of fear of the Emperor's power and displeasure; it is even said that Charles V., who had discovered the secret designs of the English court, had extorted from the Pope, before his release, a promise that no attempt would be made to dishonour an Austrian princess by acceding to the divorce.† The Pope, unwilling to provoke Henry, his

* Pallavicino, lib. ii. c. 15. † Ibid.

powerful and generous protector, instructed Campeggio to attempt, first a reconciliation between the King and Queen; secondly, if that failed, to endeavour to persuade her that she ought to acquiesce in her husband's desires, by entering into a cloister (a proposition which seems to show a readiness in the Roman court to waive their theological difficulties); and thirdly, if neither of these attempts were successful, to spin out the negotiation to the greatest length, in order to profit by the favourable incidents which time might bring forth. The impatience of the King and the honest indignation of the Queen defeated these arts of Italian policy; while the resistance of Anne Boleyn to the irregular gratification of the King's desires, —without the belief of which it is impossible to conceive the motives for his perseverance in the pursuit of an unequal marriage, —opposed another impediment to the counsels and contrivances of Clement, which must have surprised and perplexed a Florentine pontiff. The proceedings, however, terminated in the sentence pronounced by Cranmer annulling the marriage, the espousal of Anne Boleyn by the King, and the rejection of the Papal jurisdiction by the kingdom, which still, however, adhered to the doctrines of the Roman Catholic Church.

The situation of More during a great part of these memorable events was embarrassing. The great offices to which he had been raised by the King, the personal favour hitherto constantly shown to him, and the natural tendency of his gentle and quiet disposition, combined to disincline him to resistance against the wishes of his friendly master. On the other hand, his growing dread and horror of heresy, with its train of disorders; his belief that universal anarchy would be the inevitable result of religious dissension, and the operation of seven years' controversy on behalf of the Catholic Church, in heating his mind on all subjects involving the extent of her authority made him recoil from designs which were visibly

tending towards disunion with the Roman pontiff,—the centre of Catholic union, and the supreme magistrate of the ecclesiastical commonwealth. Though his opinions relating to the Papal authority were of a moderate and liberal nature, he at least respected it as an ancient and venerable control on licentious opinions, of which the prevailing heresies attested the value and the necessity. Though he might have been better pleased with another determination by the supreme pontiff, it did not follow that he should contribute to weaken the holy see, assailed as it was on every side, by taking an active part in resistance to the final decision of a lawful authority. Obedience to the supreme head of the Church in a case which ultimately related only to discipline, appeared peculiarly incumbent on all professed Catholics. But, however sincere the zeal of More for the Catholic religion and his support of the legitimate supremacy of the Roman see undoubtedly were, he was surely influenced at the same time by the humane feelings of his just and generous nature, which engaged his heart to espouse the cause of a blameless and wronged princess, driven from the throne and the bed of a tyrannical husband. Though he reasoned the case as a divine and a canonist, he must have felt it as a man; and honest feeling must have glowed beneath the subtleties and formalities of doubtful and sometimes frivolous disputations. It was probably often the chief cause of conduct for which other reasons might be sincerely alleged.

In steering his course through the intrigues and passions of the court, it is very observable that More most warily retired from every opposition but that which Conscience absolutely required: he shunned unnecessary disobedience as much as unconscientious compliance. If he had been influenced solely by prudential considerations, he could not have more cautiously shunned every needless opposition; but in

that case he would not have gone so far. He displayed, at the time of which we now speak, that very peculiar excellence of his character, which, as it showed his submission to be the fruit of sense of duty, gave dignity to that which in others is apt to seem, and to be slavish. His anxiety had increased with the approach to maturity of the King's projects of divorce and second marriage. Some anecdotes of this period are preserved by the affectionate and descriptive pen of Margaret Roper's husband, which, as he evidently reports in the chancellor's language, it would be unpardonable to relate in any other words than those of the venerable man himself. Roper, indeed, like another Plutarch, consults the unrestrained freedom of his story by a disregard of dates, which, however agreeable to a general reader, is sometimes unsatisfactory to a searcher after accuracy. Yet his office in a court of law, where there is the strongest inducement to ascertain truth, and the largest experience of the means most effectual for that purpose, might have taught him the extreme importance of time as well as place in estimating the bearing and weight of testimony.

"On a time, walking with me along the Thames' side at Chelsea, he said unto me, 'Now would to our Lord, son Roper, upon condition that three things were well established in Christendom, I were put into a sack, and were presently cast into the Thames.' —'What great things be those, sir?' quoth I, 'that should move you so to wish.'—'In faith, son, they be these,' said he. 'The *first* is, that whereas the most part of Christian princes be at mortal war, they were all at universal peace. The *second*, that where the Church of Christ is at present sore afflicted with many errors and heresies, it were well settled in perfect uniformity of religion. The *third*, that as the matter of the King's marriage is now come in question, it were, to the glory of God and quietness of all par-

ties, brought to a good conclusion.'"* On another occasion†, "before the matrimony was brought in question, when I, in talk with Sir Thomas More (of a certain joy), commended unto him the happy estate of this realm, that had so catholic a prince, so grave and sound a nobility, and so loving, obedient subjects, agreeing in one faith. 'Truth it is, indeed, son Roper; and yet I pray God, as high as we sit upon the mountains, treading heretics under our feet like ants, live not the day that we gladly would wish to be at league and composition with them, to let them have their churches, so that they would be contented to let us have ours quietly.' I answered, 'By my troth, it is very desperately spoken.' He, perceiving me to be in a *fume*, said merrily, — 'Well, well, son Roper, it shall not be so.' Whom," concludes Roper, "in sixteen years and more, being in his house, conversant with him, I never could perceive him as much as once in a fume." Doubtless More was somewhat disquieted by the reflection, that some of those who now appealed to the freedom of his youthful philosophy against himself would speedily begin to abuse such doctrines by turning them against the peace which he loved, — that some of the spoilers of Rome might exhibit the like scenes of rapine and blood in the city which was his birth-place and his dwelling-place: yet, even then, the placid mien, which had stood the test of every petty annoyance for sixteen years, was unruffled by alarms for the impending fate of his country and of his religion.

Henry used every means of procuring an opinion favourable to his wishes from his chancellor, who, however, excused himself as unmeet for such matters, having never professed the study of divinity. But

* The description of the period appears to suit the year 1529, before the peace of Cambray and the recall of the legate Campeggio.

† Probably in the beginning of 1527, after the promotion of More to be chancellor of the duchy of Lancaster.

the King "*sorely*" pressed him*, and never ceased urging him until he had promised to give his consent, at least, to examine the question, conjointly with his friend Tunstall and other learned divines. This examination over, More, with his wonted ingenuity and gentleness, conveyed the result to his master. "To be plain with your grace, neither your bishops, wise and virtuous though they be, nor myself, nor any other of your council, by reason of your manifold benefits bestowed on us, are meet counsellors for your grace herein. If you mind to understand the truth, consult St. Jerome, St. Augustin, and other holy doctors of the Greek and Latin churches, who will not be inclined to deceive you by respect of their own worldly commodity, or by fear of your princely displeasure." † Though the King did not like what "was disagreeable to his desires, yet the language of More was so wisely tempered, that for the present he took it in good part, and oftentimes had conferences with the chancellor thereon." The native meekness of More was probably more effectual than all the arts by which courtiers ingratiate themselves, or insinuate unpalatable counsel.

Shortly after, the King again moved him to weigh and consider the great matter: the chancellor fell down on his knees, and reminding Henry of his own words on delivering the great seal, which were,— "First look upon God, and after God upon me," added, that nothing had ever so pained him as that he was not able to serve him in that matter, without a breach of that original injunction. The King said he was content to continue his favour, and never with that matter molest his conscience afterwards; but when the progress towards the marriage was so far advanced that the chancellor saw how soon his active co-operation must be required, he made suit to his "singular dear friend," the Duke of Norfolk, to pro-

* Roper, p. 32. † Roper, p. 48.

cure his discharge from office. The duke, often solicited by More, then obtained, by importunate suit, a clear discharge for the chancellor; and upon the repairing to the King, to resign the great seal into his hands, Henry received him with thanks and praise for his worthy service, and assured him, that in any suit that should either concern his honour or appertain unto his profit, he would show himself a good and gracious master to his faithful servant. He then further directed Norfolk, when he installed his successor, to declare publicly, "that his majesty had with pain yielded to the prayers of Sir Thomas More, by the removal of such a magistrate." *

At the time of his resignation More asserted, and circumstances, without reference to his character, demonstrate the truth of his assertion, that his whole income, independent of grants from the crown, did not amount to more than 50*l.* yearly. This was not more than an eighth part of his gains at the bar and his judicial salary from the city of London taken together;—so great was the proportion in which his fortune had declined during eighteen years of employment in offices of such trust, advantage, and honour. † In this situation the clergy voted, as a testimonial of their gratitude to him, the sum of 5000*l.*, which, according to the rate of interest at that time, would have yielded him 500*l.* a year, being ten times the yearly sum which he could then call his own. But good and honourable as he knew their messengers, of whom Tunstall was one, to be, he declared, "*that he would rather cast their money into the sea than take it;*"—not speaking from a boastful pride, most foreign from his nature, but shrinking with a sort of instinctive delicacy from the touch of money, even before he considered how much the acceptance of the gift might impair his usefulness.

* "Honorificè jussit rex de me testatum reddere quod ægrè ad preces meas me demiserit."—More to Erasmus.

† Apology, chap. x.

His resources were of a nobler nature. The simplicity of his tastes and the moderation of his indulgences rendered retrenchment a task so easy to himself, as to be scarcely perceptible in his personal habits. His fool or jester, then a necessary part of a great man's establishment, he gave to the lord mayor for the time being. His first care was to provide for his attendants, by placing his gentlemen and yeomen with peers and prelates, and his eight watermen in the service of his successor Sir T. Audley, to whom he gave his great barge, — one of the most indispensable appendages of his office in an age when carriages were unknown. His sorrows were for separation from those whom he loved. He called together his children and grandchildren, who had hitherto lived in peace and love under his patriarchal roof, and, lamenting that he could not, as he was wont, and as he gladly would, bear out the whole charges of them all himself, continue living together as they were wont, he prayed them to give him their counsel on this trying occasion. When he saw them silent, and unwilling to risk their opinion, he gave them his, seasoned with his natural gaiety, and containing some strokes illustrative of the state of society at that time: — "I have been brought up," quoth he, "at Oxford, at an inn of chancery, at Lincoln's Inn, and also in the king's court, from the lowest degree to the highest, and yet I have at present left me little above 100*l.* a year" (including the king's grants); "so that now if we like to live together we must be content to be contributaries together; but we must not fall to the lowest fare first: — we will begin with Lincoln's Inn diet, where many right worshipful and of good years do live full well; which, if we find not ourselves the first year able to maintain, then will we the next year go one step to New Inn fare: if that year exceed our ability, we will the next year descend to Oxford fare, where many grave, learned, and ancient fathers are continually conversant. If our ability stretch not to

maintain either, then may we yet with bags and wallets go a begging together, and hoping for charity at every man's door, to sing *Salve regina*; and so still keep company and be merry together."* On the Sunday following his resignation, he stood at the door of his wife's pew in the church, where one of his dismissed gentlemen had been used to stand, and making a low obedience to Alice as she entered, said to her with perfect gravity,—"Madam, my lord is gone." He who for seventeen years had not raised his voice in displeasure, could not be expected to sacrifice the gratification of his innocent merriment to the heaviest blows of fortune.

Nor did he at fit times fail to prepare his beloved children for those more cruel strokes which he began to foresee. Discoursing with them, he enlarged on the happiness of suffering, for the love of God, the loss of goods, of liberty, of lands, of life. He would further say unto them, "that if he might perceive his wife and children would encourage him to die in a good cause, it should so comfort him, that for very joy, it would make him run merrily to death."

It must be owned that Henry felt the weight of this great man's opinion, and tried every possible means to obtain at least the appearance of his spontaneous approbation. Tunstall and other prelates were commanded to desire his attendance at the coronation of Anne at Westminster. They wrote a letter to persuade him to comply, and accompanied it with the needful present of 20*l.* to buy a court dress. Such overtures he had foreseen; for he said some time before to Roper, when he first heard of that marriage, "God grant, son Roper, that these matters within a while be not confirmed with oaths!" He accordingly answered his friends the bishops well:—"Take heed, my lords: by procuring your lordships to be present at the coronation, they will next ask you to preach

* Roper, pp. 51, 52.

for the setting forth thereof; and finally to write books to all the world in defence thereof."

Another opportunity soon presented itself for trying to subdue the obstinacy of More, whom a man of violent nature might believe to be fearful, because he was peaceful. Elizabeth Barton, called "the holy maid of Kent," who had been, for a considerable number of years, afflicted by convulsive maladies, felt her morbid susceptibility so excited by Henry's profane defiance of the Catholic Church, and his cruel desertion of Catharine, his faithful wife, that her pious and humane feelings led her to represent, and probably to believe, herself, to be visited by a divine revelation of those punishments which the King was about to draw down on himself and on the kingdom. In the universal opinion of the sixteenth century, such interpositions were considered as still occurring. The neighbours and visiters of the unfortunate young woman believed her ravings to be prophesies, and the contortions of her body to be those of a frame heaving and struggling under the awful agitations of divine inspiration, and confirmed that conviction of a mission from God, for which she was predisposed by her own pious benevolence, combined with the general error of the age. Both Fisher and More appear not to have altogether disbelieved her pretensions: More expressly declared that he durst not and would not be bold in judging her miracles.* In the beginning of her prophecies, the latter had been commanded by the King to enquire into her case; and he made a report to Henry, who agreed with him in considering the whole of her miraculous pretensions as frivolous, and deserving no farther regard. But, in 1532, several monks† so magnified her performances to More, that he was prevailed on to see her; but refused to hear her speak about the King, saying to her, in general

* Letter to Cromwell, probably written in the end of 1532.
† Of whom some were afterwards executed.

terms, that he had no desire to pry into the concerns of others. Pursuant, as it is said, to a sentence by or in the Star Chamber, she stood in the pillory at Paul's Cross, acknowledging herself to be guilty of the imposture of claiming inspiration, and saying that she was tempted to this fraud by the instigation of the devil. Considering the circumstances of the case, and the character of the parties, it is far more probable that the ministers should have obtained a false confession from her hopes of saving her life, than that a simple woman should have contrived and carried on, for many years, a system of complicated and elaborate imposture. It would not be inconsistent with this acquittal, to allow that, in the course of her self-delusion, she should have been induced, by some ecclesiastics of the tottering Church, to take an active part in these pious frauds, which there is too much reason to believe that persons of unfeigned religion have been often so far misguided by enthusiastic zeal, as to perpetrate or to patronise. But whatever were the motives or the extent of the "holy maid's" confession, it availed her nothing; for in the session of parliament, which met in January, 1534, she and her ecclesiastical prompters were attainted of high treason, and adjudged to suffer death as traitors. Fisher, Bishop of Rochester, and others, were attainted of misprision, or concealment of treason, for which they were adjudged to forfeiture and imprisonment during the King's pleasure.* The "holy maid," with her spiritual guides, suffered death at Tyburn on the 21st of April; she confirming her former confession, but laying her crime to the charge of her companions, if we may implicitly believe the historians of the victorious party. †

Fisher and his supposed accomplices in misprision remained in prison according to their attainder. Of More the statute makes no mention; but it contains

* 25 H. 8. c. 12. † Such as Hall and Holinshed.

a provision which, when it is combined with other circumstances to be presently related, appears to have been added to the bill for the purpose of providing for his safety. By this provision, the King's majesty, at the humble suit of his well beloved wife Queen Anne, pardons all persons not expressly by name attainted by the statute, for all misprision and concealments relating to the false and feigned miracles and prophecies of Elizabeth Barton, on or before the 20th day of October, 1533. Now we are told by Roper*, "that Sir Thomas More's name was originally inserted in the bill," the King supposing that this bill would "to Sir Thomas More be so troublous and terrible, that it would force him to relent and condescend to his request; wherein his grace was much deceived." More was personally to have been received to make answer in his own defence: but the King, not liking that, sent the Archbishop of Canterbury, the Chancellor, the Duke of Norfolk, and Cromwell, to attempt his conversion. Audley reminded More of the King's special favour and many benefits: More admitted them; but modestly added, that his highness had most graciously declared that on this matter he should be molested no more. When in the end they saw that no persuasion could move him, they then said, "that the King's highness had given them in commandment, if they could by no gentleness win him, in the King's name with ingratitude to charge him, that never was servant to his master so villainous†, nor subject to his prince so traitorous as he." They even reproached him for having either written in the name of his

* P. 62.

† Like a *slave* or a *villain*. The word in the mouth of these gentlemen appears to have been in a state of transition, about the middle point between the original sense of "like a slave," and its modern acceptation of mean or malignant offenders. What proof is not supplied by this single fact in the history of the language of the masters, of their conviction, that the slavery maintained by them doomed the slaves to depravity!

master, or betrayed his sovereign into writing, the book against Luther, which had so deeply pledged Henry to the support of Papal pretensions. To these upbraidings he calmly answered:—"The terrors are arguments for children, and not for me. As to the fact, the king knoweth, that after the book was finished by his highness's appointment, or the consent of the maker, I was only a sorter out and placer of the principal matters therein contained." He added, that he had warned the King of the prudence of "touching the pope's authority more slenderly, and that he had reminded Henry of the statutes of *præmunire*," whereby "a good part of the pope's pastoral care was pared away;" and that impetuous monarch had answered, "We are so much bounden unto the see of Rome, that we cannot do too much honour unto it." On More's return to Chelsea from his interview with these lords, Roper said to him:—"I hope all is well, since you are so merry?"—"It is so, indeed," said More, "I thank God."—"Are you, then, out of the parliament bill?" said Roper.—"By my troth, I never remembered it; but," said More, "I will tell thee why I was so merry; because I had given the devil a foul fall, and that with those lords I had gone so far, as without great shame I can never go back again." This frank avowal of the power of temptation, and this simple joy at having at the hazard of life escaped from the farther seductions of the court, bestows a greatness on these few and familiar words which scarcely belongs to any other of the sayings of man.

Henry, incensed at the failure of wheedling and threatening messages, broke out into violent declarations of his resolution to include More in the attainder, and said that he should be personally present to ensure the passing of the bill. Lord Audley and his colleagues on their knees besought their master to forbear, lest by an overthrow in his own presence, he might be contemned by his own subjects, and dis-

honoured throughout Christendom for ever; — adding, that they doubted not that they should find a more meet occasion "to serve his turn;" for that in this case of the nun he was so clearly innocent, that men deemed him far worthier of praise than of reproof. Henry was compelled to yield.* Such was the power of defenceless virtue over the slender remains of independence among slavish peers, and over the lingering remnants of common humanity which might still be mingled with a cooler policy in the bosoms of subservient politicians. One of the worst of that race, Thomas Cromwell, on meeting Roper in the Parliament House next day after the King assented to the prayer of his ministers, told him to tell More that he was put out of the bill. Roper sent a messenger to Margaret Roper, who hastened to her beloved father with the tidings. More answered her, with his usual gaiety and fondness, "In faith, Megg, what is put off is not given up."† Soon after, the Duke of Norfolk said to him, — "By the mass! Master More, it is perilous striving with princes; the anger of a prince brings death." — "Is that all, my lord? then the difference between you and me is but this,—*that I shall die to-day, and you to-morrow.*" No life in Plutarch is more full of happy sayings and striking retorts than that of More; but the terseness and liveliness of his are justly overlooked in the contemplation of that union of perfect simplicity with moral grandeur, which, perhaps, no other human being has so uniformly reached.

By a tyrannical edict, miscalled "a law," in the

* The House of Lords addressed the King, praying him to declare whether it would be agreeable to his pleasure that Sir Thomas More and others should not be heard in their own defence before "the lords in the royal senate called the *Stere* Chamber." Nothing more appears on the Journals relating to this matter. Lords' Journals, 6th March, 1533. The Journals prove the narrative of Roper, from which the text is composed, to be as accurate as it is beautiful.

† He spoke to her in his conversational Latin, — "*Quod differtur non aufertur.*"

same session of 1533-4, it was made high treason, after the 1st of May, 1534, by writing, print, deed, or act, to do or to procure, or cause to be done or procured, any thing to the prejudice, slander, disturbance, or derogation of the King's lawful matrimony with Queen Anne. If the same offences should be committed by words, they were to be only misprision. The same act enjoined all persons to take an oath to maintain *its whole contents;* and an obstinate refusal to make such oath was subjected to the penalties of misprision. No form of the oath was enacted, but on the 30th of March*, 1534, which was the day of closing the session, the Chancellor Audley, when the commons were at the bar, but when they could neither deliberate nor assent, read the King's letters patent, containing one, and appointing the Archbishop of Canterbury, the Chancellor, the Dukes of Norfolk and Suffolk, to be commissioners for administering it.

More was summoned to appear before these commissioners at Lambeth, on Monday the 13th of April. On other occasions he had used, at his departure from his wife and children, whom he tenderly loved, to have them brought to his boat, and there to kiss them, and bid them all farewell. At this time he would suffer none of them to follow him forth of the gate, but pulled the wicket after him, and shut them all from him, and with Roper and four servants took boat towards Lambeth. He sat for a while; but at last, his mind being lightened and relieved by those high principles to which with him every low consideration yielded, whispered: — "Son Roper! I thank our Lord, the field is won." — "As I conjectured," says Roper, "it was for that his love to God conquered his carnal affections." What follows is from an account of his conduct during the subsequent examination at Lambeth sent to his darling child, Margaret Roper. After having read the statute and the form

* Lords' Journals, vol. i. p. 82.

of the oath, he declared his readiness to swear that he would maintain and defend the order of succession to the crown as established by parliament. He disclaimed all censure of those who had imposed, or on those who had taken, the oath, but declared it to be impossible that he could swear to the whole contents of it, without offending against his own conscience; adding, that if they doubted whether his refusal proceeded from pure scruple of conscience or from his own phantasies, he was willing to satisfy their doubts by oath. The commissioners urged that he was the first who refused it; they showed him the subscriptions of all the lords and commons who had sworn; and they held out the King's sure displeasure against him should he be the single recusant. When he was called on a second time, they charged him with obstinacy for not mentioning any special part of the oath which wounded his conscience. He answered, that if he were to open his reasons for refusal farther, he should exasperate the King still more: he offered, however, to assign them if the lords would procure the King's assurance that the avowal of the grounds of his defence should not be considered as offensive to the King, nor prove dangerous to himself. The commissioners answered that such assurances would be no defence against a legal charge: he offered, however, to trust himself to the King's honour. Cranmer took some advantage of More's candour, urging that, as he had disclaimed all blame of those who had sworn, it was evident that he thought it only doubtful whether the oath was unlawful; and desired him to consider whether the obligation to obey the King was not absolutely certain. More was struck with the subtilty of this reasoning, which took him by surprise, — but not convinced of its solidity: notwithstanding his surprise, he seems to have almost touched upon the true answer, that as the oath contained a profession of opinion, — such, for example, as the lawfulness of the King's marriage, on which men might differ, — it might be

declined by some and taken by others with equal honesty. Cromwell, whom More believed to favour him, loudly swore that he would rather see his only son had lost his head than that More had thus refused the oath; he it was who bore the answer to the King, the Chancellor Audley distinctly enjoining him to state very clearly More's willingness to swear to the succession. "Surely," said More, "as to swearing to the succession, I see no peril." Cromwell was not a good man; but the gentle virtue of More subdued even the bad. To his own house More never more returned, being on the same day committed to the custody of the Abbot of Westminster, in which he continued four days; and at the end of that time, on Friday the 17th, he was conveyed to the Tower.*

Soon after the commencement of the session, which began on the 3d of November following†, an act was passed which ratified, and professed to recite, the form of oath promulgated on the day of the prorogation; and enacted that the oath therein recited should be *reputed* to be the very oath intended by the former act‡; though there were, in fact, some substantial and important interpolations in the latter act;—such as the words "most dear and entirely beloved, lawful wife, Queen Anne," which tended to render that form still less acceptable than before, to the scrupulous consciences of More and Fisher. Before the end of the same session two statutes§ were passed, attainting

* Roper tells us that the King, who had intended to desist from his importunities, was exasperated by Queen Anne's clamour to tender the oath at Lambeth; but he detested that unhappy lady, whose marriage was the occasion of More's ruin: and though Roper was an unimpeachable witness relating to Sir Thomas's con versation, he is of less weight as to what passed in the interior of the palace. The ministers might have told such a story to excuse themselves to Roper: Anne could have had no opportunity of contradiction.

† 26 H. VIII. c. 2.

‡ 25 Id. c. 22. § 9. Comdare Lords'Journals, vol. i. p. 82.

§ 26 H. VIII. c. 22, 23.

More and Fisher of misprision of treason, and specifying the punishment to be imprisonment of body and loss of goods. By that which relates to More, the King's grants of land to him in 1523 and 1525 are resumed; it is also therein recited that he refused the oath since the 1st of May of 1534, with an intent to sow sedition; and he is reproached for having demeaned himself in other respects ungratefully and unkindly to the King, his benefactor.

That this statement of the legislative measures which preceded it is necessary to a consideration of the legality of More's trial, which must be owned to be a part of its justice, will appear in its proper place. In the mean time, the few preparatory incidents which occurred during thirteen months' imprisonment, must be briefly related. His wife Alice, though an excellent housewife, yet in her visits to the Tower handled his misfortunes and his scruples too roughly. "Like an ignorant, and somewhat worldly, woman, she bluntly said to him,—'How can a man taken for wise, like you, play the fool in this close filthy prison, when you might be abroad at your liberty, if you would but do as the bishops have done?'" She enlarged on his fair house at Chelsea—"his library, gallery, garden, and orchard, together with the company of his wife and children." He bore with kindness in its most unpleasing form, and answered her cheerfully after his manner, which was to blend religious feelings with quaintness and liveliness:—"Is not this house as nigh heaven as mine own?" She answered him in what then appears to have been a homely exclamation of contempt*, "*Tilly valle, tilly valle.*"† He treated her harsh language as a wholesome exercise for his patience, and replied with equal mildness, though with more gravity, "Why should I joy in my gay house, when, if I should rise from the grave in seven years, I should not fail to find some one there who would bid

* Roper, p. 78. † Nares's Glossary, London, 1822.

me to go out of doors, for it was none of mine?" It was not thus that his Margaret Roper conversed or corresponded with him during his confinement. A short note written to her a little while after his commitment, with a coal (his only pen and ink) begins, "Mine own good daughter," and is closed in the following fond and pious words:—"Written with a coal, by your tender loving father, who in his poor prayers forgetteth none of you, nor your babes, nor your good husband, nor your father's shrewd wife neither." Shortly after, mistaking the sense of a letter from her which he thought advised him to compliance, he wrote a rebuke of her supposed purpose, with the utmost vehemence of affection, and the deepest regard to her judgment!—"I hear many terrible things towards me; but they all never touched me, never so near, nor were they so grievous unto me as to see you, my well beloved child, in such a piteous and vehement manner, labour to persuade me to a thing whereof I have of pure necessity, for respect unto myne own soul, so often given you so precise an answer before. The matters that move my conscience I have sundry times shown you, that I will disclose them to no one."* Margaret's reply was worthy of herself: she acquiesces in his "faithful and delectable letter, the faithful messenger of his virtuous mind," and almost rejoices in his victory over all earthborn cares;—concluding thus:—"Your own most loving obedient daughter and bedeswoman†, Margaret Roper, who desireth above all worldly things to be in John Wood's ‡ stede to do you some service." After some time pity prevailed so far that she obtained the King's licence to resort to her father in the Tower. On her first visit, after gratefully performing their accustomed devotions, his first care was to soothe her afflicted heart by the assurance that

* English Works, vol. i. p. 1430.

† His waiting-man, Ibid. p. 1431. Bedesman—one who prays for another.

‡ Roper, p. 72.

he saw no cause to reckon himself in worse case there than in his own house. On another occasion he asked her how Queen Anne did? "In faith, father," said she, "never better." — "Never better, Megg!" quoth he; "alas! Megg, it pitieth me to remember into what misery, poor soul, she shall shortly come." Various attempts continued still to be made to cajole him; partly, perhaps, with the hope that his intercourse with the beloved Margaret might have softened him. Cromwell told him that the King was still his good master, and did not wish to press his conscience. The lords commissioners went twice to the Tower to tender the oath to him: but neither he nor Fisher would advance farther than their original declaration of perfect willingness to maintain the settlement of the crown, which, being a matter purely political, was within the undisputed competence of parliament. They refused to include in their oath any other matter on account of scruples of conscience, which they forbore to particularise, lest they might thereby furnish their enemies with a pretext for representing their defence as a new crime. A statement of their real ground of objection, — that it would be insincere in them to declare upon oath, that they believed the King's marriage with Anne to be lawful, — might, in defending themselves against a charge of misprision of treason, have exposed them to the penalties of high treason.

Two difficulties occurred in reconciling the destruction of the victim with any form or colour of law. The first of them consisted in the circumstance that the naked act of refusing the oath was, even by the late statute, punishable only as a misprision; and though concealment of treason was never expressly declared to be only a misprision till the statute to that effect was passed under Philip and Mary*, — chiefly perhaps occasioned by the case of More, — yet it

* 1 & 2 Phil. and Mar. c. 10.

seemed strange thus to prosecute him for the refusal, as an act of treason, after it had been positively made punishable as a misprision by a general statute and after a special act of attainder for misprision had been passed against him. Both these enactments were, on the supposition of the refusal being indictable for treason, absolutely useless, and such as tended to make More believe that he was safe as long as he remained silent. The second has been already intimated, that he had yet said nothing which could be tortured into a semblance of those acts derogatory to the King's marriage, which had been made treason. To conquer this last difficulty, Sir Robin Rich, the solicitor-general, undertook the infamous task of betraying More into some declaration, in a confidential conversation, and under pretext of familiar friendship, which might be pretended to be treasonable. What the success of this flagitious attempt was, the reader will see in the account of More's trial. It appears from a letter of Margaret Roper, apparently written sometime in the winter, that his persecutors now tried another expedient for vanquishing his constancy, by restraining him from attending church; and she adds, "from the company of my good mother and his poor children." * More, in his answer, expresses his wonted affection in very familiar, but in most significant, language:—"If I were to declare in writing how much pleasure your daughterly loving letters gave me, a peck of coals would not suffice to make the pens." So confident was he of his innocence, and so safe did he deem himself on the side of law, that "he believed some new causeless suspicion, founded upon some secret sinister information," had risen up against him.†

On the 2d or 3d of May, 1535, More informed his dear daughter of a visit from Cromwell, attended by the attorney and solicitor-general, and certain civi-

* English Works, vol. i. p. 1446. † Ibid. p. 1447.

lians, at which Cromwell had urged to him the statute which made the King head of the Church, and required an answer on that subject; and that he had replied:—"I am the King's true faithful subject, and daily bedesman: I say no harm; and do no harm; and if this be not enough to keep a man alive, in good faith I long not to live." This ineffectual attempt was followed by a another visit from Cranmer, the Chancellor, the Duke of Suffolk, the Earl of Wiltshire, and Cromwell, who, after much argument, tendered an oath, by which he was to promise to make answers to questions which they might put*; and on his decisive refusal, Cromwell gave him to understand that, agreeably to the language at the former conference, "his grace would follow the course of his laws towards such as he should find obstinate." Cranmer, who too generally complied with evil counsels, but nearly always laboured to prevent their execution, wrote a persuasive letter to Cromwell, earnestly praying the King to be content with More and Fisher's proffered engagement to maintain the succession, which would render the whole nation unanimous on the practical part of that great subject.

On the 6th of the same month, almost immediately after the defeat of every attempt to practise on his firmness, More was brought to trial at Westminster; and it will scarcely be doubted, that no such culprit stood at any European bar for a thousand years. It is rather from caution than from necessity that the ages of Roman domination are excluded from the comparison. It does not seem that in any moral respect Socrates himself could claim a superiority. It is lamentable that the records of the proceedings against such a man should be scanty. We do not certainly know the specific offence of which he was convicted. There does not seem, however, to be much doubt that the prosecution was under the act "for the

* Ibid. p. 1452.

establishment of the king's succession," passed in the session 1533-4*, which made it high treason "to do any thing to the prejudice, slander, disturbance, or derogation of the lawful marriage" between Henry and Anne. Almost any act, done or declined, might be forced within the undefined limits of such vague terms. In this case the prosecutors probably represented his refusal to answer certain questions which, according to them, must have related to the marriage, his observations at his last examination, and especially his conversation with Rich, as overt acts of that treason, inasmuch as it must have been known by him that his conduct on these occasions tended to create a general doubt of the legitimacy of the marriage.

To the first alleged instance of his resistance to the King, which consisted in his original judgment against the marriage, he answered in a manner which rendered reply impossible;—"that it could never be treason for one of the King's advisers to give him honest advice." On the like refusal respecting the King's headship of the Church, he answered that "no man could be punished for silence." The attorney-general said, that the prisoner's silence was "malicious:" More justly answered, that "he had a right to be silent where his language was likely to be injuriously misconstrued." Respecting his letters to Bishop Fisher, they were burnt, and no evidence was offered of their contents, which he solemnly declared to have no relation to the charges. And as to the last charge, that he had called the Act of Settlement "a two-edged sword, which would destroy his soul if he complied with it, and his body if he refused," it was answered by him, that "he supposed the reason of his refusal to be equally good, whether the question led to an offence against his conscience, or to the necessity of criminating himself."

Cromwell had before told him, that though he was suffering perpetual imprisonment for the misprision,

* 25 H. VIII. c. 22.

that punishment did not release him from his allegiance, and that he was amenable to the law for treason; — overlooking the essential circumstances, that the facts laid as treason were the same on which the attainder for misprision was founded. Even if this were not a strictly maintainable objection in technical law, it certainly showed the flagrant injustice of the whole proceeding.

The evidence, however, of any such strong circumstances attendant on the refusal as could raise it into an act of treason must have seemed defective; for the prosecutors were reduced to the necessity of examining Rich, one of their own number, to prove circumstances of which he could have had no knowledge, without the foulest treachery on his part. He said, that he had gone to More as a friend, and had asked him, if an act of parliament had made him, Rich, king, would not he, More, acknowledge him. More had said, "Yes, sir, that I would."—"If they declared me pope, would you acknowledge me?"—"In the first case, I have no doubt about temporal governments; but suppose the parliament should make a law that God should not be God, would you then, Mr. Rich, say that God should not be God?"—"No," says Rich, "no parliament could make such a law." Rich went on to swear, that More had added, "No more could the parliament make the King supreme head of the Church." More denied the latter part of Rich's evidence altogether; which is, indeed, inconsistent with the whole tenour of his language: he was then compelled to expose the profligacy of Rich's character. "I am," he said, "more sorry for your perjury, than for mine own peril. Neither I, nor any man, ever took you to be a person of such credit as I could communicate with on such matters. We dwelt near in one parish, and you were always esteemed very light of your tongue, and not of any commendable fame. Can it be likely to your lordships that I should so unadvisedly overshoot myself, as to trust Mr. Rich with

what I have concealed from the King, or any of his noble and grave counsellors?" The credit of Rich was so deeply wounded, that he was compelled to call Sir Richard Southwell and Mr. Palmer, who were present at the conversation, to prop his tottering evidence. They made a paltry excuse, by alleging that they were so occupied in removing More's books, that they did not listen to the words of this extraordinary conversation.

The jury*, in spite of all these circumstances, returned a verdict of "guilty." Chancellor Audley, who was at the head of the commission, of which Spelman and Fitzherbert, eminent lawyers, were members, was about to pronounce judgment, when he was interrupted by More, who claimed the usual privilege of being heard to show that judgment should not be passed. More urged, that he had so much ground for his scruples as at least to exempt his refusal from the imputation of disaffection, or of what the law deems to be malice. The chancellor asked him once more how his scruples could balance the weight of the parliament, people, and Church of England?—a topic which had been used against him at every interview and conference since he was brought prisoner to Lambeth. The appeal to weight of authority influencing Conscience was, however, singularly unfortunate. More answered, as he had always done, "Nine out of ten of Christians now in the world think with me; nearly all the learned doctors and holy fathers who are already dead, agree with me; and therefore I think myself not bound to conform my conscience to the councell of one realm against the general consent of all Christendom." Chief Justice Fitzjames concurred in the sufficiency of the indict-

* Sir T. Palmer, Sir T. Bent, G. Lovell, esquire, Thomas Burbage, esquire, and G. Chamber, Edward Stockmore, William Brown, Jasper Leake, Thomas Bellington, John Parnell, Richard Bellamy, and G. Stoakes, gentlemen, were the jury.

ment; which, after the verdict of the jury, was the only matter before the court.

The chancellor then pronounced the savage sentence which the law then directed in cases of treason. More, having no longer any measures to keep, openly declared, that after seven years' study, "he could find no colour for holding that a layman could be head of the Church." The commissioners once more offered him a favourable audience for any matter which he had to propose. — "More have I not to say, my lords," he replied, "but that as St. Paul held the clothes of those who stoned Stephen to death, and as they are both now saints in heaven, and shall continue there friends for ever; so, I verily trust, and shall therefore right heartily pray, that though your lordships have now here on earth been judges to my condemnation, we may, nevertheless, hereafter cheerfully meet in heaven, in everlasting salvation." *

Sir W. Kingston, "his very dear friend," constable of the Tower, as, with tears running down his cheeks, he conducted him from Westminster, condoled with his prisoner, who endeavoured to assuage the sorrow of his friend by the consolations of religion. The same gentleman said afterwards to Roper, — "I was ashamed of myself when I found my heart so feeble, and his so strong." Margaret Roper, his good angel, watched for his landing at the Tower wharf. "After his blessing upon her knees reverently received, without care of herself, pressing in the midst of the throng, and the guards that were about him with halberts and bills, she hastily ran to him, and openly, in sight of them all, embraced and kissed him. He gave her again his fatherly blessing. After separation she, all ravished with the entire love of her dear father, suddenly turned back again, ran to him as before, took him about the neck, and divers times kissed him most lovingly, — a sight which made many of the beholders

* Roper, p. 90.

weep and mourn."* Thus tender was the heart of the admirable woman who had at the same time the greatness of soul to strengthen her father's fortitude, by disclaiming the advice for which he, having mistaken her meaning, had meekly rebuked her, — to prefer life to right.

On the 14th of June, More was once more examined by four civilians in the Tower. "He was asked, first, whether he would obey the King as supreme head of the Church of England on earth immediately under Christ? to which he said that he could make no answer: secondly, whether he would consent to the King's marriage with Queen Anne, and affirm the marriage with the lady Catharine to have been unlawful? to which he answered that he did never speak nor meddle against the same: and, thirdly, whether he was not bound to answer the said question, and to recognise the headship as aforesaid? to which he said, that he could make no answer."† It is evident that these interrogatories, into which some terms peculiarly objectionable to More were now for the first time inserted, were contrived for the sole purpose of reducing the illustrious victim to the option of uttering a lie, or of suffering death. The conspirators against him might, perhaps, have had a faint idea that they had at length broken his spirit; and if he persisted, they might have hoped that he could be represented as bringing destruction on himself by his own obstinacy. Such, however, was his calm and well-ordered mind, that he said and did nothing to provoke his fate. Had he given affirmative answers, he would have sworn falsely: he was the martyr of veracity; he perished only because he was sincere.

On Monday, the 5th of July, he wrote a farewell letter to Margaret Roper, with his usual materials of coal. It contained blessings on all his children by name, with a kind remembrance even to one of Margaret's maids. Adverting to their last interview, on

* Roper, p. 90. † Ibid. p. 92.

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Early the next morning Sir Thomas Pope, "his singular good friend," came to him with a message from the King and council, to say that he should die before nine o'clock of the same morning. "The King's pleasure," said Pope, "is that you shall not use many words."—"I did purpose," answered More, "to have spoken somewhat, but I will conform myself to the King's commandment, and I beseech you to obtain from him that my daughter Margaret may be present at my burial."—"The King is already content that your wife, children, and other friends shall be present thereat." The lieutenant brought him to the scaffold, which was so weak that it was ready to fall: on which he said, merrily, "Master lieutenant, I pray you see me safe up, and for my coming down let me shift for myself." When he laid his head on the block, he desired the executioner to wait till he had removed his beard,—"for that had never offended his highness,"—ere the axe fell.

He has been censured by some for such levities at the moment of death. These are censorious cavils, which would not be worthy of an allusion if they had not occasioned some sentences of as noble reflection, and beautiful composition, as the English language contains. "The innocent mirth, which had been so conspicuous in his life, did not forsake him to the last. His death was of a piece with his life; there was nothing in it new, forced, or affected. He did not look upon the severing his head from his body as a circumstance which ought to produce any change in the disposition of his mind; and as he died in a fixed and settled hope of immortality, he thought any unusual degree of sorrow and concern improper."*

* Spectator, No. 349.

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According to the barbarous practice of laws which vainly struggle to carry their cruelty beyond the grave, the head of Sir Thomas More was placed on London bridge. His darling daughter Margaret, had the courage to procure it to be taken down, that she might exercise her affection by continuing to look on a relic so dear; and carrying her love beyond the grave, she desired that it might be buried with her, when she died.* The remains of this precious relic are said to have been since observed, lying on what had once been her bosom. The male descendants of this admirable woman appear to have been soon extinct: her descendants through females are probably numerous.† She resembled her father in mind, in manner, in the features and expression of her countenance, and in her form and gait. Her learning was celebrated throughout Christendom. It is seldom that literature wears a more agreeable aspect than when it becomes a bond of union between such a father and such a daughter.

Sir Thomas More's eldest son, John, married Anne Cresacre, the heiress of an estate, still held by his posterity through females, at Barnborough, near Doncaster‡, where the mansion of the Mores still subsists. The last male descendant was Thomas More, a Jesuit, who was principal of the college of Jesuits at Bruges, and died at Bath in 1795, having survived his famous order, and, according to the appearances of that time, his ancient religion;—as if the family of More were one of the many ties which may be traced, through the interval of two centuries and a half, between the revolutions of religion and those of government.

The letters and narratives of Erasmus diffused the

* She survived her father about nine years.

† One of them, Mr. James Hinton Baverstock, inserted his noble pedigree from Margaret, in 1819, in a copy of More's English Works, at this moment before me.

‡ Hunter's South Yorkshire, vol. i. pp. 374, 375.

story of his friend's fate throughout Europe. Cardinal Pole bewailed it with elegance and feeling. It filled Italy, then the most cultivated portion of Europe, with horror. Paulo Jovio called Henry "a Phalaris," though we shall in vain look in the story of Phalaris, or of any other real or legendary tyrant, for a victim worthy of being compared to More. The English ministers throughout Europe were regarded with averted eyes as the agents of a monster. At Venice, Henry, after this deed, was deemed capable of any crimes: he was believed there to have murdered Catharine, and to be about to murder his daughter Mary.* The Catholic zeal of Spain, and the resentment of the Spanish people against the oppression of Catharine, quickened their sympathy with More, and aggravated their detestation of Henry. Mason, the envoy at Valladolid, thought every pure Latin phrase too weak for More, and describes him by one as contrary to the rules of that language as "thrice greatest"† would be to those of ours. When intelligence of his death was brought to the Emperor Charles V., he sent for Sir T. Elliot, the English ambassador, and said to him, "My lord embassador, we understand that the king your master has put his wise counsellor Sir Thomas More to death." Elliot, abashed, made answer that he understood nothing thereof. "Well," said the Emperor, "it is too true; and this we will say, that, if we had been master of such a servant, we should rather have lost the best city in our dominions than have lost such a worthy counsellor;"— "which matter," says Roper, in the concluding words of his beautiful narrative, "was by Sir T. Elliot told to myself, *my wife*, to Mr. Clement and his wife, and to Mr. Heywood and his wife."‡

* Ellis's Original Letters, 2d series, lett. cxvii.

† Ibid. lett. cx. "Ter maximus ille Morus."

‡ Instead of Heywood, perhaps we ought to read "Heron?" In that case the three daughters of Sir Thomas More would be

Of all men nearly perfect, Sir Thomas More had, perhaps, the clearest marks of individual character. His peculiarities, though distinguishing him from all others, were yet withheld from growing into moral faults. It is not enough to say of him that he was unaffected, that he was natural, that he was simple; so the larger part of truly great men have been. But there is something homespun in More which is common to him with scarcely any other, and which gives to all his faculties and qualities the appearance of being the native growth of the soil. The homeliness of his pleasantry purifies it from show. He walks on the scaffold clad only in his household goodness. The unrefined benignity with which he ruled his patriarchal dwelling at Chelsea enabled him to look on the axe without being disturbed by feeling hatred for the tyrant. This quality bound together his genius and learning, his eloquence and fame, with his homely and daily duties,—bestowing a genuineness on all his good qualities, a dignity on the most ordinary offices of life, and an accessible familiarity on the virtues of a hero and a martyr, which silences every suspicion that his excellencies were magnified. He thus simply performed great acts, and uttered great thoughts, because they were familiar to his great soul. The charm of this inborn and homebred character seems as if it would have been taken off by polish. It is this household character which relieves our notion of him from vagueness, and divests perfection of that generality and coldness to which the attempt to paint a perfect man is so liable.

It will naturally, and very strongly excite the regret of the good in every age, that the life of this best of men should have been in the power of one who has been rarely surpassed in wickedness. But the execrable Henry was the means of drawing forth the

present: Mrs. Roper was the eldest, Mrs. Clement the second, and Cecilia Heron the youngest.

magnanimity, the fortitude, and the meekness of More. Had Henry been a just and merciful monarch, we should not have known the degree of excellence to which human nature is capable of ascending. Catholics ought to see in More, that mildness and candour are the true ornaments of all modes of faith. Protestants ought to be taught humility and charity from this instance of the wisest and best of men falling into, what they deem, the most fatal errors. All men, in the fierce contests of contending factions, should, from such an example, learn the wisdom to fear lest in their most hated antagonist they may strike down a Sir Thomas More: for assuredly virtue is not so narrow as to be confined to any party; and we have in the case of More a signal example that the nearest approach to perfect excellence does not exempt men from mistakes which we may justly deem mischievous. It is a pregnant proof, that we should beware of hating men for their opinions, or of adopting their doctrines because we love and venerate their virtues.

APPENDIX.

A.

Some particulars in the life of Sir Thomas More I am obliged to leave to more fortunate inquirers. They are, indeed, very minute; but they may appear to others worthy of being ascertained, as they appeared to me, from their connection with the life of a wise and good man.

The records of the Privy Council are preserved only since 1540, so that we do not exactly know the date of his admission into that body. The time when he was knighted (then a matter of some moment) is not known. As the whole of his life passed during the great chasm in writs for election, and returns of members of parliament, from 1477 to 1542, the places for which he sat, and the year of his early opposition to a subsidy, are unascertained;—notwithstanding the obliging exertion of the gentlemen employed in the repositories at the Tower, and in the Rolls' chapel. We know that he was Speaker of the House of Commons in 1523 and 1524.* Browne Willis owns his inability to fix the place which he represented†; but he conjectured it to have been "either Middlesex, where he resided, or Lancaster, of which duchy he was chancellor." But that laborious and useful writer would not have mentioned the latter branch of his alternative, nor probably the former, if he had known that More was not Chancellor of the Duchy till two years after his Speakership.

B.

An anecdote in More's chancellorship is connected with an English phrase, of which the origin is not quite satisfac-

* Rolls of Parliament in Lords' Journals, vol. i.
† Notitia Parliamentaria, vol. iii. p. 112.

torily explained. An attorney in his court, named Tubb, gave an account in court of a cause in which he was concerned, which the Chancellor (who with all his gentleness loved a joke) thought so rambling and incoherent, that he said at the end of Tubb's speech, "This is a tale of a tub;" plainly showing that the phrase was then familiarly known. The learned Mr. Douce has informed a friend of mine, that in Sebastian Munster's Cosmography, there is a cut of a ship to which a whale was coming too close for her safety, and of the sailors throwing a tub to the whale, evidently to play with. The practice of throwing a tub or barrel to a large fish, to divert the animal from gambols dangerous to a vessel, is also mentioned in an old prose translation of The Ship of Fools. These passages satisfactorily explain the common phrase of throwing a tub to a whale; but they do not account for leaving out the whale, and introducing the new word "tale." The transition from the first phrase to the second is a considerable stride. It is not, at least, *directly* explained by Mr. Douce's citations; and no explanation of it has hitherto occurred which can be supported by proof. It may be thought probable that, in process of time, some nautical wag compared a rambling story, which he suspected of being lengthened and confused, in order to turn his thoughts from a direction not convenient to the story-teller, with the tub which he and his shipmates were wont to throw out to divert the whale from striking the bark, and perhaps said, "This tale is, like our tub to the whale." The comparison might have become popular; and it might gradually have been shortened into "a tale of a tub."

C.

EXTRACTS FROM THE RECORDS OF THE CITY OF LONDON RELATING TO THE APPOINTMENT OF SIR THOMAS MORE TO BE UNDER-SHERIFF OF LONDON, AND SOME APPOINTMENTS OF HIS IMMEDIATE PREDECESSORS AND OF HIS SUCCESSOR.

(A. D. 1496. 27th September.)

"Commune consilium tentum die Martij Vicesimo Septimo die Septembr̃ Anno Regni Regis Henr̃ Septimi duo decimo.

"In isto Comūn Consilio Thomas Sall et Thomas Marowe confirmati sunt in Subvic̃ Civitati: London p anno sequent, &c."

establishment of the king's succession," passed in the session 1533-4*, which made it high treason "to do any thing to the prejudice, slander, disturbance, or derogation of the lawful marriage" between Henry and Anne. Almost any act done or declined, might be forced within the undefined limits of such vague terms. In this case the prosecutors probably represented his refusal to answer certain questions which, according to them, must have related to the marriage, his observations at his last examination, and especially his conversation with Rich, as overt acts of that treason, inasmuch as it must have been known by him that his conduct on these occasions tended to create a general doubt of the legitimacy of the marriage.

To the first alleged instance of his resistance to the King, which consisted in his original judgment against the marriage, he answered in a manner which rendered reply impossible;—"that it could never be treason for one of the King's advisers to give him honest advice." On the like refusal respecting the King's headship of the Church, he answered that "no man could be punished for silence." The attorney-general said, that the prisoner's silence was "malicious:" More justly answered, that "he had a right to be silent where his language was likely to be injuriously misconstrued." Respecting his letters to Bishop Fisher, they were burnt, and no evidence was offered of their contents, which he solemnly declared to have no relation to the charges. And as to the last charge, that he had called the Act of Settlement "a two-edged sword, which would destroy his soul if he complied with it, and his body if he refused," it was answered by him, that "he supposed the reason of his refusal to be equally good, whether the question led to an offence against his conscience, or to the necessity of criminating himself."

Cromwell had before told him, that though he was suffering perpetual imprisonment for the misprision,

* 25 H. VIII. c. 22.

that punishment did not release him from his allegiance, and that he was amenable to the law for treason; —overlooking the essential circumstances, that the facts laid as treason were the same on which the attainder for misprision was founded. Even if this were not a strictly maintainable objection in technical law, it certainly showed the flagrant injustice of the whole proceeding.

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A

REFUTATION OF THE CLAIM

ON BEHALF OF

KING CHARLES I.

TO THE AUTHORSHIP OF

THE

ΕΙΚΩΝ ΒΑΣΙΛΙΚΗ.*

A succession of problems or puzzles in the literary and political history of modern times has occasionally occupied some ingenious writers, and amused many idle readers. Those who think nothing useful which does not yield some palpable and direct advantage, have, indeed, scornfully rejected such inquiries as frivolous and useless. But their disdain has not repressed such discussions: and it is fortunate that it has not done so. Amusement is itself an advantage. The vigour which the understanding derives from exercise on every subject is a great advantage. If there is to be any utility in history, the latter must be accurate, — which it never will be, unless there be a solicitude to ascertain the truth even of its minutest parts. History is read with pleasure, and with moral effect, only as far as it engages our feelings in the

* Contributed to the Edinburgh Review (vol. xliv. p. 1.) as a review of "Who wrote Εἰκὼν Βασιλικὴ?" by Christopher Wordsworth, D.D., Master of Trinity College, Cambridge. London, 1824. — Ed.

merit or demerit, in the fame or fortune, of historical personages. The breathless anxiety with which the obscure and conflicting evidence on a trial at law is watched by the bystander is but a variety of the same feeling which prompts the reader to examine the proofs against Mary Queen of Scots, with as deep an interest as if she were alive, and were now on *her* trial. And it is wisely ordered that it should be so: for our condition would not, upon the whole, be bettered by our feeling less strongly about each other's concerns.

The question "Who wrote Icôn Basilikè?" seemed more than once to be finally determined. Before the publication of the private letters of Bishop Gauden, the majority of historical inquirers had pronounced it spurious; and the only writers of great acuteness who maintained its genuineness — Warburton and Hume — spoke in a tone which rather indicated an anxious desire that others should believe, than a firm belief in their own minds. It is perhaps the only matter on which the former ever expressed himself with diffidence; and the case must indeed have seemed doubtful, which compelled the most dogmatical and arrogant of disputants to adopt a language almost sceptical. The successive publications of those letters in Maty's Review, in the third volume of the Clarendon Papers, and lastly, but most decisively, by Mr. Todd, seemed to have closed the dispute.

The main questions on which the whole dispute hinges are, Whether the acts and words of Lord Clarendon, of Lord Bristol, of Bishop Morley, of Charles II., and James II., do not amount to a distinct acknowledgment of Gauden's authorship? and, Whether an admission of that claim *by these persons* be not a conclusive evidence of its truth? If these questions can be answered affirmatively, the other parts of the case will not require very long consideration.

The Icôn Basilikè was intended to produce a favourable effect during the King's trial; but its

publication was retarded till some days after his death, by the jealous and rigorous precautions of the ruling powers. The impression made on the public by a work which purported to convey the pious and eloquent language of a dying King, could not fail to be very considerable; and, though its genuineness was from the beginning doubted or disbelieved by some*, it would have been wonderful and unnatural, if unbounded faith in it had not become one of the fundamental articles of a Royalist's creed.† Though much stress, therefore, is laid by Dr. Wordsworth on passages in anonymous pamphlets published before the Restoration, we can regard these as really no more than instances of the belief which must then have only prevailed among that great majority of Royalists who had no peculiar reasons for doubt. Opinion, even when it was impartial, of the genuineness of a writing, given before its authenticity was seriously questioned, and when the attention of those who gave the opinion was not strongly drawn to the subject, must be classed in the lowest species of historical evidence. One witness who bears testimony to a forgery, when the edge of his discernment is sharpened by an existing dispute, outweighs many whose language only indicates a passive acquiescence in the unexamined sentiments of their own party. It is obvious, indeed, that such testimonies must be of exceedingly little value; for every imposture, in any degree successful, *must* be able to appeal to them. Without them, no question on such a subject could ever be raised; since it would be idle to expose the spuriousness of what no one appeared to think authentic.

Dr. Gauden, a divine of considerable talents, but of a temporising and interested character, was, at the

* Milton, Goodwyn, Lilly, &c.

† See Wagstaffe's Vindication of King Charles, pp. 77—79. London, 1711.

beginning of the Civil War, chaplain to the Earl of Warwick, a Presbyterian leader. In November 1640, after the close imprisonment of Lord Strafford, he preached a sermon before the House of Commons, so agreeable to that assembly, that it is said they presented him with a silver tankard,—a token of their esteem which (if the story be true) may seem to be the stronger for its singularity and unseemliness.* This discourse seems to have contained a warm invective against the ecclesiastical policy of the Court; and it was preached not only at a most critical time, but on the solemn occasion of the sacrament being first taken by the whole House. As a reward for so conspicuous a service to the Parliamentary cause, he soon after received the valuable living of Bocking in Essex, which he held through all the succeeding changes of government,—forbearing, of necessity, to use the Liturgy, and complying with all the conditions which the law then required from the beneficed clergy. It has been disputed whether he took the Covenant, though his own evasive answers imply that he had: but it is certain that he published a Protest † against the trial of the King in 1648, though that never could have pretended to the same merit with the solemn Declaration of the whole Presbyterian clergy of London against the same proceeding, which, however, did not save them at the Restoration.

At the moment of the Restoration of Charles II., he appears, therefore, to have had as little *public* claim on the favour of that prince as any clergyman who had conformed to the ecclesiastical principles of the Parliament and the Protectorate; and he was, ac-

* The Journals say nothing of the tankard, which was probably the gift of some zealous members, but bear, "That the thanks of this house be given to Mr. *Gaudy* and Mr. Morley for their sermons last Sunday, and that they be desired, if they please, to print the same." Vol. ii. p. 40.

† The Religious and Loyal Protestation of John Gauden, &c. London, 1648.

cordingly, long after called by a zealous Royalist "the false Apostate!" * Bishoprics were indeed offered to Baxter, who refused, and to Reynolds, who accepted, a mitre; but if they had not been, as they were, men venerable for every virtue, they were the acknowledged leaders of the Presbyterians, whose example might have much effect in disposing that powerful body to conformity. No such benefit could be hoped from the preferment of Gauden: and that his public character must have rendered him rather the object of disfavour than of patronage to the Court at this critical and jealous period, will be obvious to those who are conversant with one small, but not insignificant circumstance. The Presbyterian party is well known to have predominated in the Convention Parliament, especially when it first assembled; and it was the policy of the whole assembly to give a Presbyterian, or moderate and mediatorial colour, to their collective proceedings. On the 25th April 1660, they chose Mr. Calamy, Dr. Gauden, and Mr. Baxter, to preach before them, on the fast which they then appointed to be held,—thus placing Gauden between two eminent divines of the Presbyterian persuasion, on an occasion when they appear studiously to have avoided the appointment of an Episcopalian. It is evident that Gauden was then thought nearer in principle to Baxter than to Juxon. He was sufficiently a Presbyterian in party to make him no favourite with the Court: yet he was not so decided a Presbyterian in opinion as to have the influence among his brethren which could make him worth so high a price as a mitre. They who dispute his claim to be the writer of the Icôn, will be the last to ascribe his preferment to transcendent abilities: he is not mentioned as having ever shown kindness to Royalists; there is no trace of his correspondence with the exiled Court; he contributed nothing to the recall of the

* Kennet, Register, p. 773.

King; nor indeed had he the power of performing such atoning services.

Let the reader then suppose himself to be acquainted only with the above circumstances, and let him pause to consider whether, in the summer of 1660, there could be many clergymen of the Established Church who had fewer and more scanty pretensions to a bishopric than Gauden: yet he was appointed Bishop of Exeter on the 3d of November following. He received, in a few months, 20,000*l.* in fines for the renewal of leases*; and yet he had scarcely arrived at his episcopal palace when, on the 21st of December, he wrote a letter to the Lord Chancellor Clarendon†, bitterly complaining of the "distress," 'infelicity," and "horror" of such a bishopric!— "a hard fate which" (he reminds the Chancellor) "he had before deprecated."—"I make this complaint," he adds, "to your Lordship, because you chiefely put me on this adventure. Your Lordship commanded mee to trust in your favour for an honourable maintenance and some such additional support as might supply the defects of the bishopric." * * * "*Nor am I so unconscious to the service I have done to the Church and to his Majesty's family, as to beare with patience such a ruine most undeservedly put upon mee. Are these the effects of his liberall expressions, who told mee I might have what I would desire?* * * * * Yf your Lordship will not concern yourselfe in my affaire, I must make my last complaint to the King." In five days after (26th December 1660) he wrote another long letter, less angry and more melancholy, to the same great person, which contains the following remarkable sentence:—"*Dr. Morly once offered mee my option, upon account of some service which he thought I had done extraordinary for the Church and the Royall Family, of which he told mee your Lordship*

* Biographia Britannica, article "Gauden."

† Wordsworth, Documentary Supplement, p. 9.

was informed. This made mee modestly secure of your Lordship's favour; though I found your Lordship would never owne your consciousnes to mee, as if it would have given mee too much confidence of a proportionable expectation. * * * I knew your Lordship knew my service and merit to be no way inferior to the best of *your friends, or enemyes.*"*

In these two letters, — more covertly in the first, more openly in the second, — Gauden apprises Lord Clarendon, that Dr. Morley (who was Clarendon's most intimate friend) had acknowledged *some extraordinary service* done by Gauden to the Royal Family, which had been made known to the Chancellor; though that nobleman had avoided a direct acknowledgment of it to the bishop before he left London. Gauden appears soon after to have written to Sir E. Nicholas, Secretary of State, a letter of so peculiar a character as to have been read by the King; for an answer was sent to him by Nicholas, dated on the 19th January 1661, in which the following sentence deserves attention: — "As for your owne particular, he desires you not to be discouraged at the poverty of your bishoprick at present; and if that answer not the expectation of what was promised you, *His Majesty will take you so particularly into his care, that he bids me assure you that you shall have no cause to remember Bocking.*"† These remarkable words by no means imply that Gauden did not then believe that the nature of his "extraordinary service" had been before known to the King. They evidently show his letter to have consisted of a complaint of the poverty of his bishopric, with an intelligible allusion to this service, probably expressed with more caution and reserve than in his addresses to the Chancellor. What was really then first made known to the King was not his merits, but his poverty. On the 21st January, the

* Wordsworth, Documentary Supplement, pp. 11—13.
† Ibid. p. 14.

importunate prelate again addressed to Clarendon a letter, explicitly stating the nature of his services, probably rendered necessary in his opinion by the continued silence of Clarendon, who did not answer his applications till the 13th March. From this letter the following extract is inserted: —

" All I desire is an augment of 500*l.* per annum, y^t^ if cannot bee at present had in a commendam; yet possible the King's favor to me will not grudg mee this pension out of the first fruits and tenths of this diocesse; till I bee removed or otherwayes provided for: Nor will y^r^ Lordship startle at this motion, or wave the presenting of it to hys Majesty, yf you please to consider the pretentions I may have *beyond any of my calling*, not as to merit, but *duty performed to the Royall Family*. True, I once presumed y^r^ Lordship had fully known that *arcanum*, for soe Dr. Morley told mee, at the King's first coming; when he assured mee the greatnes of that service was such, that I might have any preferment I desired. This consciousnes of your Lordship (as I supposed) and Dr. Morley, made mee confident my affaires would bee carried on to some proportion of what I had done, and he thought deserved. Hence my silence of it to your Lordship: as to the King and Duke of York, whom before I came away I acquainted with it, when I saw myself not so much considered in my present disposition as I did hope I should have beene, what trace their Royall goodnes hath of it is best expressed by themselves; nor do I doubt but I shall, by your Lordship's favor, find the fruits as to somthing extraordinary, since the service was soe: not as to *what was known to the world under my name*, in order to vindicate the Crowne and the Church, *but what goes under the late blessed King's name*, 'the εἰκὼν or portraiture of hys Majesty in hys solitudes and sufferings.' This book and figure was wholy and only my invention, making and designe; in order to vindicate the King's wisdome, honor and piety. My wife indeed was conscious to it, and had an hand in disguising the letters of that copy which I sent to the King in the ile of Wight, by favor of the late Marquise of Hartford, which was delivered to the King by the now Bishop of Winchester*: hys Majesty graciously accepted, owned, and adopted it as hys sense and genius; not only with great approbation, but admiration. Hee kept it with hym; and though hys cruel murtherers went on to perfect hys martyrdome, yet God preserved and prospered this book to revive hys honor, and redeeme hys Majesty's name from that grave of contempt and abhorrence or infamy, in which

* Duppa.

they aymed to bury hym. When it came out, just upon the King's death; Good God! what shame, rage, and despite, filled hys murtherers! What comfort hys friends! How many enemyes did it convert! How many hearts did it mollify and melt! What devotions it raysed to hys posterity, as children of such a father! What preparations it made in all men's minds for this happy restauration, and which I hope shall not prove my affliction! In a word, it was an army, and did vanquish more than any sword could. My Lord, every good subject conceived hopes of restauration; meditated reveng and separation. Your Lordship and all good subjects with hys Majesty enjoy the reall and now ripe fruites of that plant. O let not mee wither! who was the author, and ventured wife, children, estate, liberty, life, and all but my soule, in so great an atchievement, which hath filled England and all the world with the glory of it. I did lately present my fayth in it to the Duke of York, and by him to the King; both of them were pleased to give mee credit, and owne it as a rare service in those horrors of times. True, I played this best card in my hand somthing too late; else I might have sped as well as Dr. Reynolds and some others; but I did not lay it as a ground of ambition, nor use it as a ladder. *Thinking myselfe secure in the just valew of Dr. Morely, who I was sure knew it, and told mee your Lordship did soe too**; who, I believe, intended mee somthing at least competent, though lesse convenient, in this preferment. All that I desire is, that your Lordship would make that good, which I think you designed; and which I am confident the King will not deny mee, agreable to hys royall munificence, which promiseth extraordinary rewards to extraordinary services: Certainly this service is such, for the matter, manner, timing and efficacy, as was never exceeded, nor will ever be equalled, yf I may credit the judgment of the best and wisest men that have read it; and I know your Lordship, who is soe great a master of wisdome and eloquence, cannot but esteeme the author of that peice; and accordingly, make mee to see those effects which may assure mee that my loyalty, paines, care, hazard and silence, are accepted by the King and Royall Family, to which your Lordship's is now grafted."

The Bishop wrote three letters more to Clarendon,—on the 25th January, 20th February, and 6th of March respectively, to which on the 13th of the last month

* It is not to be inferred from this and the like passages, that Gauden doubted the previous communication of Morley to Clarendon: he uses such language as a reproach to the Chancellor for his silence.

the Chancellor sent a reply containing the following sentence: — *The particular which you often renewed, I do confesse was imparted to me* under secrecy, and of which I did not take myself to be at liberty to take notice; and truly when it ceases to be a secrett, I know nobody will be gladd of it but Mr. Milton; I have very often wished I had never been trusted with it.*

It is proper here to remark, that all the letters of Gauden are still extant, indorsed by Lord Clarendon, or by his eldest son. In the course of three months, then, it appears that Gauden, with unusual importunity and confidence, with complaints which were disguised reproaches, and sometimes with an approach to menaces, asserted his claim to be richly rewarded, as the author of the Icôn. He affirms that it was sent to the King by the Duke of Somerset, who died about a month before his first letter, and delivered to his Majesty by Dr. Duppa, Bishop of Winchester, who was still alive. He adds, that he had acquainted Charles II. with the secret through the Duke of York, that Morley, then Bishop of Worcester, had informed Clarendon of it, and that Morley himself had declared the value of the service to be such as to entitle Gauden to choose his own preferment. Gauden thus enabled Clarendon to convict him of falsehood,—if his tale was untrue,—in three or four circumstances, differing indeed in their importance as to the main question, but equally material to his own veracity. A single word from Duppa would have overwhelmed him with infamy. How easy was it for the Chancellor to ascertain whether the information had been given to the King and his brother! Morley was his bosom-friend, and the spiritual director of his daughter, Anne Duchess of York. How many other persons might have been quietly sounded by the numerous confidential agents of a great minister, on a transaction which had occurred only twelve years before! To

* Evidently by Morley.

suppose that a statesman, then at the zenith of his greatness, could not discover the truth on this subject, without a noise like that of a judicial inquiry, would betray a singular ignorance of affairs. Did Clarendon relinquish, without a struggle, his belief in a book, which had doubtless touched his feelings when he read it as the work of his Royal Master? Even curiosity might have led Charles II., when receiving the blessing of Duppa on his deathbed, to ask him a short confidential question. To how many chances of detection did Gauden expose himself? How nearly impossible is it that the King, the Duke, the Chancellor, and Morley should have abstained from the safest means of inquiry, and, in opposition to their former opinions and prejudices, yielded at once to Gauden's assertion.

The previous belief of the Royalist party in the Icôn very much magnifies the improbability of such suppositions. The truth might have been discovered by the parties appealed to, and conveyed to the audacious pretender, without any scandal. There was no need of any public exposure: a private intimation of the falsehood of one material circumstance must have silenced Gauden. But what, on the contrary, is the answer of Lord Clarendon? Let any reader consider the above cited sentence of his letter, and determine for himself whether it does not express such an unhesitating assent to the claim as could only have flowed from inquiry and evidence. By confessing that the secret was imparted to him, he admits the other material part of Gauden's statement, that the information came through Morley. Gauden, if his story was true, chose the persons to whom he imparted it both prudently and fairly. He dealt with it as a secret of which the disclosure would injure the Royal cause; and he therefore confined his communications to the King's sons and the Chancellor, who could not be indisposed to his cause by it, and whose knowledge of it was necessary to justify his own legitimate claims.

Had it been false, no choice could have been more unfortunate. He appealed to those who, for aught he knew, might have in their possession the means of instantly demonstrating that he was guilty of a falsehood so impudent and perilous, that nothing parallel to it has ever been hazarded by a man of sound mind. How could Gauden know that the King did not possess his father's MS., and that Royston the printer was not ready to prove that he had received it from Charles I., through hands totally unconnected with Gauden? How great must have been the risk if we suppose, with Dr. Wordsworth, and Mr. Wagstaffe, that more than one copy of the MS. existed, and that parts of it had been seen by many! It is without any reason that Dr. Wordsworth and others represent the *secrecy* of Gauden's communications to Clarendon as a circumstance of suspicion; for he was surely bound, by that sinister honour which prevails in the least moral confederacies, to make no needless disclosures on this delicate subject.

Clarendon's letter is a declaration that he was *converted* from his former opinion about the author of the Icôn: that of Sir E. Nicholas is a declaration to the same purport on his own part, and on that of the King. The confession of Clarendon is more important, from being apparently wrung from him, after the lapse of a considerable time; in the former part of which he evaded acknowledgment in conversation, while in the latter part he incurred the blame of incivility, by delaying to answer letters,—making his admission at last in the hurried manner of an unwilling witness. The decisive words, however, were at length extorted from him, "*When it ceases to be a secret, I know nobody will be glad of it, but Mr. Milton.*" Wagstaffe argues this question as if Gauden's letters were to be considered as a man's assertions in his own cause; without appearing ever to have observed that they are not offered as proof of the facts which they

affirm, but as a claim which circumstances show to have been recognised by the adverse party.

The course of another year did not abate the solicitations of Gauden. In the end of 1661 and beginning of 1662, the infirmities of Duppa promised a speedy vacancy in the great bishopric of Winchester, to which Gauden did not fail to urge his pretensions with undiminished confidence, in a letter to the Chancellor (28th December), in a letter to the Duke of York (17th January), and in a memorial to the King, without a date, but written on the same occasion. The two letters allude to the particulars of former communications. The memorial, as the nature of such a paper required, is fuller and more minute: it is expressly founded on "a private service," for the reality of which it again appeals to the declarations of Morley, to the evidence of Duppa ("who," says Gauden, "encouraged me in that great work"), still alive, and visited on his sick-bed by the King, and to the testimony of the Duke of Somerset.* It also shows that

* Doc. Sup. p. 30. We have no positive proof that these two letters were sent, or the memorial delivered. It seems (Ibid. p. 27.) that there are marks of the letters having been sealed and broken open; and it is said to be singular that such letters should be found among the papers of him who wrote them. But as the early history of these papers is unknown, it is impossible to expect an explanation of every fact. A collector might have found them elsewhere, and added them to the Gauden papers. An anxious writer might have broken open two important letters, in which he was fearful that some expression was indiscreet, and afterwards sent corrected duplicates, without material variation. Gauden might have received information respecting the disposal of Winchester and Worcester, or about the state of parties at Court, before the letters were dispatched, which would render them then unseasonable. What is evident is, that they were written with an intention to send them,—that they coincide with his previous statements,—and that *the determination not to send them was not occasioned by any doubts entertained by the Chancellor of his veracity; for such doubts would have prevented his preferment to the bishopric of Worcester*, — one of the most coveted dignities of the Church.

Gauden had applied to the King for Winchester as soon as it should become vacant, about or before the time of his appointment to Exeter.

On the 19th of March, 1662, Gauden was complimented at Court as the author of the Icôn, by George Digby, second Earl of Bristol, a nobleman of fine genius and brilliant accomplishments, but remarkable for his inconstancy in political and religious opinion. The bond of connection between them seems to have been their common principles of toleration, which Bristol was solicitous to obtain for the Catholics, whom he had secretly joined, and which Gauden was willing to grant, not only to the Old Nonconformists, but to the more obnoxious Quakers. On the day following Gauden writes a letter, in which it is supposed that "the Grand Arcanum" had been disclosed to Bristol "by the King or the Royal Duke." In six days after he writes again, on the death of Duppa, to urge his claim to Winchester. This third letter is more important. He observes, with justice, that he could not expect "any extraordinary instance of his Majesty's favour on account of his signal service only, because that might put the world on a dangerous curiosity, if he had been in other respects unconspicuous;" but he adds, in effect, that his public services would be a sufficient reason or pretext for the great preferment to which he aspired. He appeals to a new witness on the subject of the Icôn,—Dr. Sheldon, then Bishop of London;—thus, once more, if his story were untrue, almost wantonly adding to the chance of easy, immediate, and private detection. His danger would have, indeed, been already enhanced by the disclosure of the secret to Lord Bristol, who was very intimately acquainted with Charles I., and among whose good qualities discretion and circumspection cannot be numbered. The belief of Bristol must also be considered as a proof that Gauden continued to be believed by the King and the Duke, from whom Bristol's information proceeded. A friendly correspondence between the

Bishop and the Earl, continued till near the death of the former, in the autumn of 1662.

In the mean time, the Chancellor gave a still more decisive proof of his continued conviction of the justice of Gauden's pretensions, by his translation in May to Worcester. The Chancellor's personal ascendant over the King was perhaps already somewhat impaired; but his power was still unshaken; and he was assuredly the effective as well as formal adviser of the Crown on ecclesiastical promotions. It would be the grossest injustice to the memory of Lord Clarendon to believe, that if, after two years' opportunity for inquiry, any serious doubts of Gauden's veracity had remained in his mind, he would have still farther honoured and exalted the contriver of a falsehood, devised for mercenary purposes, to rob an unhappy and beloved Sovereign of that power which, by his writings, he still exercised over the generous feelings of men. It cannot be doubted, and ought not to be forgotten, that a false claim to the Icôn is a crime of a far deeper dye than the publication of it under the false appearance of a work of the King. To publish such a book in order to save the King's life, was an offence, attended by circumstances of much extenuation, in one who believed, or perhaps knew, that it substantially contained the King's sentiments, and who deeply deprecated the proceedings of the army and of the remnant of the House of Commons against him. But to usurp the reputation of the work so long after the death of the Royal Author, for sheer lucre, is an act of baseness perhaps without a parallel. That Clarendon should wish to leave the more venial deception undisturbed, and even shrink from such refusals as might lead to its discovery, is not far beyond the limits which good men may overstep in very difficult situations: but that he should have rewarded the most odious of impostors by a second bishopric, would place him far lower than a just adversary would desire. If these considerations seem of such moment at this distant time, what must

have been their force in the years 1660 and 1662, in the minds of Clarendon, and Somerset, and Duppa, and Morley, and Sheldon! It would have been easy to avoid the elevation of Gauden to Worcester; he had himself opened the way for offering him a pension; and the Chancellor might have answered almost in Gauden's own words, that farther preferment might lead to perilous inquiry. Clarendon, in 1662, must either have doubted who was the author of the Icôn, or believed the claim of Gauden, or adhered to his original opinion. If he believed it to be the work of the King, he could not have been so unfaithful to his memory as to raise such an impostor to a second bishopric: if he believed it to be the production of Gauden, he might have thought it an excusable policy to recompense a pious fraud, and to silence the possessor of a dangerous secret: if he had doubts, they would have prompted him to investigation, which, conducted by him, and relating to transactions so recent, must have terminated in certain knowledge.

Charles II. is well known, at the famous conference between the Episcopalians and Presbyterians, when the Icôn was quoted as his father's, to have said, "All that is in that book is not gospel." Knowing, as we now do, that Gauden's claim was preferred to him in 1660, this answer must be understood to have been a familiar way of expressing his scepticism about its authenticity. In this view of it, it coincides with his declaration to Lord Anglesea twelve years after; and it is natural indeed to suppose, that his opinion was that of those whom he then most trusted on such matters, of whom Clarendon was certainly one. To suppose, with some late writers, that he and his brother looked with favour and pleasure on an attempt to weaken the general interest in the character of their father, merely because the Icôn is friendly to the Church of England, is a wanton act of injustice to them. Charles II. was neither a bigot, nor without regard to his kindred; the family affections of James

were his best qualities,—though, by a peculiar perverseness of fortune, they proved the source of his sharpest pangs.

But to return to Lord Clarendon, who survived Gauden twelve years, and who, almost to the last day of his life, was employed in the composition of an historical work, originally undertaken at the desire of Charles I., and avowed, with honest partiality, to be destined for the vindication of his character and cause. This great work, not intended for publication in the age of the writer, was not actually published till thirty years after his death, and even then not without the suppression of important passages, which it seems the public was not yet likely to receive in a proper temper. Now, neither in the original edition, nor in any of the recently restored passages*, is there any allusion to the supposed work of the King. No reason of temporary policy can account for this extraordinary silence. However the statesman might be excused for the momentary sacrifice of truth to quiet, the historian could have no temptation to make the sacrifice perpetual. Had he believed that his Royal Master was the writer of the only book ever written by a dying monarch on his own misfortunes, it would have been unjust as an historian, treacherous as a friend, and unfeeling as a man, to have passed over in silence such a memorable and affecting circumstance. Merely as a fact, his narrative was defective without it. But it was a fact of a very touching and interesting nature, on which his genius would have expatiated with affectionate delight. No later historian of the Royal party has failed to dwell on it. How should he then whom it must have most affected be silent, unless his pen had been stopped by the knowledge of the truth? He had even personal inducements to explain it, at least in those more private memoirs of his administration, which form part of what is called his "Life."

* In the Oxford Edition of 1826.

Had he believed in the genuineness of the Icôn, it would have been natural for him in these memoirs to have reconciled that belief with the successive preferments of the impostor. He had good reason to believe that the claims of Gauden would one day reach the public; he had himself, in his remarkable letter of March 13th, 1661, spoken of such a disclosure as likely. This very acknowledgment contained in that letter, which he knew to be in the possession of Gauden's family, increased the probability. It was scarcely possible that such papers should for ever elude the search of curiosity, of historical justice, or of party spirit. But besides these probabilities, Clarendon, a few months before his death, "*had learned that ill people endeavoured to persuade the King that his father was not the author of the book that goes by his name.*" This information was conveyed to him from Bishop Morley through Lord Cornbury, who went to visit his father in France in May 1674. On hearing these words, Clarendon exclaimed, "Good God! I thought *the Marquis of Hertford had satisfied the King in that matter.*"* By this message Clarendon was therefore warned, that the claim of Gauden was on its way to the public,—that it was already assented to by the Royal Family themselves, and was likely at last to appear with the support of the most formidable authorities. What could he now conclude but that, if undetected and unrefuted, or, still more, if uncontradicted in a history destined to vindicate the King, the claim would be considered by posterity as established by his silence? Clarendon's language on this occasion also strengthens very much another part of the evidence; for it proves, beyond all doubt, that the authorship of the Icôn *had been discussed by the King*

* The first letter of the second Earl of Clarendon to Wagstaffe in 1694, about twenty years after the event, has not, as far as we know, been published. We know only the extracts in Wagstaffe. The second letter written in 1699 is printed entire in Wagstaffe's Defence, p. 37.

with the Duke of Somerset before that nobleman's death in October 1660,—a fact nearly conclusive of the whole question. Had the Duke assured the King that his father was the author, what a conclusive answer was ready to Gauden, who asserted that the first had been the bearer of the manuscript of the Icôn from Gauden to Charles I.! As there had been such a communication between the King and the Duke of Somerset, it is altogether incredible that Clarendon should not have recurred to the same pure source of information. The only admissible meaning of Clarendon's words is, that "*Lord Hertford* (afterwards Duke of Somerset) *had satisfied the King*" of the impropriety of speaking on the subject. We must otherwise suppose that the King and Clarendon had been "satisfied," or perfectly convinced, that Charles was the writer of the Icôn;—a supposition which would convert the silence of the Chancellor and the levity of the Monarch into heinous offences. The message of Morley to Clarendon demonstrates that they had previous conversation on the subject. The answer shows that both parties knew of information having been given by Somerset to the King, before Gauden's nomination to Exeter: but Gauden had at that time appealed, in his letters, both to Morley and Somerset as his witnesses. That Clarendon therefore knew all that Morley and Somerset could tell, is no longer matter of inference, but is established by the positive testimony of the two survivors in 1674. Wagstaffe did not perceive the consequences of the letter which he published, because he had not seen the whole correspondence of Gauden. But it is much less easy to understand, how those who have compared the letters of Gauden, with the messages between Clarendon and Morley, should not have discovered the irresistible inference which arises from the comparison.

The silence of Lord Clarendon, as an historian, is the strongest moral evidence that he believed the pre-

tensions of Bishop Gauden: and his opinion on the question must be held to include the testimony in point of fact, and the judgment in point of opinion, of all those whom he had easy opportunities and strong inducements to consult. It may be added, that however Henry Earl of Clarendon chose to express himself (his language is not free from an air of mental reservation), neither he nor his brother Lord Rochester, when they published their father's history in 1702, thought fit, in their preface, to attempt any explanation of his silence respecting the Icôn, though their attention must have been called to that subject by the controversy respecting it which had been carried on a few years before with great zeal and activity. Their silence becomes the more remarkable, from the strong interest taken by Lord Clarendon in the controversy. He wrote two letters on it to Wagstaffe, in 1694 and 1699; he was one of the few persons present at the select consecration of Wagstaffe as a nonjuring bishop, in 1693: yet there is no allusion to the Icôn in the preface to his father's history, published in 1702.

It cannot be pretended that the final silence of Clarendon is agreeable to the rigorous rules of historical morality: it is no doubt an infirmity which impairs his credit as an historian. But it is a light and venial fault compared with that which must be laid to his charge, if we suppose, that, with a conviction of the genuineness of the Icôn, and with such testimony in support of it as the evidence of Somerset and Morley, — to say nothing of others,— he should not have made a single effort, in a work destined for posterity, to guard from the hands of the impostor the most sacred property of his unfortunate master. The partiality of Clarendon to Charles I. has never been severely blamed; his silence in his history, if he believed Gauden, would only be a new instance of that partiality: but the same silence, if he believed the

King to be the author, would be fatal to his character as an historian and a man.

The knowledge of Gauden's secret was obtained by Clarendon as a minister; and he might deem his duty with respect to secrets of state still to be so far in force, as at least to excuse him for not disturbing one of the favourite opinions of his party, and for not disclosing what he thought could gratify none but regicides and agitators. Even this excuse, on the opposite supposition, he wanted. That Charles was the author of the Icôn (if true) was no state secret, but the prevalent and public opinion. He might have collected full proofs of its truth, in private conversation with his friends. He had only to state such proof, and to lament the necessity which made him once act as if the truth were otherwise, rather than excite a controversy with an unprincipled enemy, dangerous to a new government, and injurious to the interests of monarchy. His mere testimony would have done infinitely more for the King's authorship, than all the volumes which have been written to maintain it:—even that testimony is withheld. If the Icôn be Gauden's, the silence of Clarendon is a vice to which he had strong temptations: if it be the King's, it is a crime without a motive. Those who are willing to ascribe the lesser fault to the historian, must determine against the authenticity of the Icôn.

That good men, of whom Lord Clarendon was one, were, at the period of the Restoration, ready to use expedients of very dubious morality to conceal secrets dangerous to the Royal cause, will appear from a fact, which seems to have escaped the notice of the general historians of England. It is uncertain, and not worth inquiring, when Charles II. threw over his doubts and vices that slight and thin vesture of Catholicism, which he drew a little closer round him at the sight of death*: but we know with certainty, that, in the

* His formal reconciliation probably took place at Cologne in

beginning of the year 1659, the Duke of Ormonde accidentally discovered the conversion, by finding him on his knees at mass in a church at Brussels. Ormonde, after it was more satisfactorily proved to him, by communication with Henry Bennett and Lord Bristol*, imparted the secret in England to Clarendon and Southampton, who agreed with him in the necessity of preventing the enemies of monarchy, or the friends of Popery, from promulgating this fatal secret. Accordingly, the "*Act for the better security of his Majesty's person and government*"† provided, that to affirm the King to be a Papist, should be punishable by "disability to hold any office or promotion, civil, military, or ecclesiastical, besides being liable to such *other* punishments as by common or statute law might be inflicted."

As soon as we take our stand on the ground, that the acquiescence of all the Royalists in the council and court of Charles II., and the final silence of Clarendon in his history, on a matter so much within his province, and so interesting to his feelings, are irreconcilable with the supposition, that they believed the Icôn to be the work of the King, all the other circumstances on both sides not only dwindle into insignificance, but assume a different colour. Thus, the general credit of the book among Royalists before the Restoration serves to show, that the evidence which changed the opinion of Clarendon and his friends must have been very strong,—probably far stronger than what we now possess; the firmer we suppose the previous conviction to have been, the more probable it becomes, that the proofs then discovered were of a more direct nature than those which remain. Let it be very specially observed, that those who decided the question practically in 1660 were within twelve

1658, under the direction of Dr. Peter Talbot, Catholic Archbishop of Armagh.

* Carte, Life of Ormonde, vol. ii. pp. 254—256.

† 13 Car. 2. st. 1.

years of the fact; while fifty years had passed before the greater part of the traditional and hearsay stories, ranged on the opposite side, were brought together by Wagstaffe.

Let us consider, for example, the effect of the proceedings of 1660 upon the evidence of the witnesses who speak of the Icôn as having been actually taken from the King at Naseby, and afterwards restored to him by the conquerors. Two of the best known are the Earl of Manchester and Mr. Prynne. Eales, a physician at Welwyn in Hertfordshire, certifies, in 1699, that some years before the Restoration (*i. e.* about 1656), he heard Lord Manchester declare, that the MS. of the Icôn was taken at Naseby, and that he had seen it in the King's own hand.* Jones, at the distance of fifty years, says that he *had heard* from Colonel Stroud that Stroud *had heard* from Prynne in 1649, that he, by order of Parliament, had read the MS. of the Icôn taken at Naseby. † Now it is certain that Manchester was taken into favour, and Prynne was patronised at the Restoration. If this were so, how came matters, of which they spoke so publicly, to remain unknown to Clarendon and Southampton? Had the MS. Icôn been intrusted to Prynne by Parliament, or even by a committee, its existence must have been known to a body much too large to allow the supposition of secrecy. The application of the same remark disposes of the mob of second-hand witnesses. The very number of the witnesses increases the incredibility that their testimony could have escaped notice in 1660. Huntingdon, a Major in Cromwell's regiment, who abandoned the Parliamentary cause, is a more direct witness. In the year 1679, he informed Dugdale that he had procured the MS. Icôn taken at Naseby to be restored to the King at Hampton, — that it was *written* by Sir E. Walker, but

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* Vol. v. p. 484. † Ibid. vol. vii. p. 432.

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Sir Thomas Herbert, who wrote his Memoirs thirty years after the event, in the seventy-third year of his age, when, as he told Antony Wood, "he was grown old, and not in such a capacity as he could wish to publish it," found a copy of the Icôn among the books which Charles I. left to him, and thought "the handwriting was the King's." Sir Philip Warwick states Herbert's testimony (probably from a conversation more full than the Memoirs) to be, that "he saw the MS. in the King's hand, as he believes; but it was in a running character, *and not in that which the King usually wrote.*"† Now, more than one copy of the Icôn might have been sent to Charles; they might have been written with some resemblances to his hand-

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The Naseby copy being the only fragment of positive evidence in support of the King's authorship, one more observation on it may be excused. If the Parliamentary leaders thought the Icôn so dangerous to their cause, and so likely to make an impression favourable to the King, how came they to restore it so easily to its author, whom they had deeply injured by the publication of his private letters? The advocates of the King charge this publication on them, as an act of gross indelicacy, and at the same time ascribe to them, in the restoration of the Icôn, a singular instance of somewhat wanton generosity.

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can be supposed, in its best state, to be other than secondary. When it passes through many hands, — when it is given after a long time, — when it is to be found almost solely in one party, — when it relates to a subject which deeply interests their feelings, we may confidently place it at the very bottom of the scale; and without being able either to disprove many particular stories, or to ascertain the proportion in which each of them is influenced by unconscious exaggeration, inflamed zeal, intentional falsehood, inaccurate observation, confused recollection, or eager credulity, we may safely treat the far greater part as the natural produce of these grand causes of human delusion. Among the evidence first collected by Wagstaffe, one story fortunately refers to authorities still in our possession. Hearne, a servant of Sir Philip Warwick, declared that he had heard his master and one Oudart often say that they had transcribed the Icôn from a copy in Charles's handwriting.* Sir Philip Warwick (who is thus said to have copied the Icôn from the King's MS.) has himself positively told us, "*I cannot say I know that he wrote the Icôn which goes under his name*" †; and Oudart was secretary to Sir Edward Nicholas, whose letter to Gauden, virtually acknowledging his claim, has been already quoted!

Two persons appear to have been privy to the composition of the Icôn by Gauden, — his wife, and Walker, his curate. Mrs. Gauden, immediately after her husband's death, applied to Lord Bristol for favour, on the ground of her knowledge of the secret; adding, that the Bishop was prevented only by death from writing to him, — surely to the same effect. Nine years afterwards she sent to one of her sons the papers on this subject, to be used "if there be a good occasion to make it manifest," among which was an epitome "drawn out by the hand of him that did hope

* "Who wrote," &c. p. 138. † Memoirs, p. 68.

to have made a fortune by it."* This is followed by her narrative of the whole transactions, on which two short remarks will suffice. It coincides with Gauden's letters, in the most material particulars, in appeals to the same eminent persons said to be privy to the secret, who might and must have been consulted after such appeal: it proves also her firm persuasion that her husband had been ungratefully requited, and that her family had still pretensions founded on his services, which these papers might one day enable them to assert with more effect.

Walker, the curate, tells us that he had a hand in the business all along. He wrote his book, it is true, forty-five years after the events: but this circumstance, which so deeply affects the testimony of men who speak of words spoken in conversation, and reaching them through three or four hands, rather explains the inaccuracies, than lessens the substantial weight, of one who speaks of his own acts, on the most, and perhaps only, remarkable occasion of his life. There are two facts in Walker's account which seem to be decisive; — namely, that Gauden told him, about the time of the fabrication, that the MS. was sent by the Duke of Somerset to the King, and that two chapters of it were added by Bishop Duppa. To both these witnesses Gauden appealed at the Restoration, and Mrs. Gauden after his death. These communications were somewhat indiscreet; but, if false, what temptation had Gauden at that time to invent them, and to communicate them to his curate? They were new means of detecting his imposture. But the declaration of Gauden, that the book and figure was wholly and solely my "invention, making, and design," is quoted with premature triumph, as if it were incompatible with the composition of two chapters by Duppa†; — as if the contribution of a few pages to a volume could affect the authorship of

* Doc. Sup. pp. 42. 48. † "Who wrote," &c. p. 156.

the man who had planned the whole, and executed all the rest. That he mentioned the particular contribution of Duppa at the time to Walker, and only appealed in general to the same prelate in his applications to Clarendon and the King, is a variation, but no inconsistency.

Walker early represented the coincidence of some peculiar phrases in the devotions of the Icôn with Gauden's phraseology, as an important fact in the case. That argument has recently been presented with much more force by Mr. Todd, whose catalogue of coincidences between the Icôn and the avowed writings of Gauden is certainly entitled to serious consideration.* They are not all of equal importance, but some of the phrases are certainly very peculiar. It seems very unlikely that Charles should have copied peculiar phrases from the not very conspicuous writings of Gauden's early life; and it is almost equally improbable that Gauden, in his later writings, when he is said to have been eager to reap the fruits of his imposture, should not have carefully shunned those modes of expression which were peculiar to the Icôn. To the list of Mr. Todd, a very curious addition has been made by Mr. Benjamin Bright, a discerning and liberal collector, from a manuscript volume of prayers by Gauden†, which is of more value than the other coincidences, inasmuch as it corroborates the testimony of Walker, who said that he "met with expressions in the devotional parts of the Icôn very frequently used by Dr. Gauden in his prayers!" Without laying great stress on these resemblances, they are certainly of more weight than the general arguments founded either on the inferiority of Gauden's talents (which Dr. Wordsworth candidly abandons), or on the impure and ostentatious character of his style, which have little weight, unless we suppose him to have

* Letter to the Archbishop of Canterbury, pp. 51—76.
† Ibid. Appendix, No. I.

had no power of varying his manner when speaking in the person of another man.

Conclusions from internal evidence have so often been contradicted by experience, that prudent inquirers seldom rely on them when there are any other means of forming a judgment. But in such cases as the present, internal evidence does not so much depend on the discussion of words, or the dissection of sentences, as on the impression made by the whole composition, on minds long accustomed to estimate and compare the writings of different men in various circumstances. A single individual can do little more than describe that impression; and he must leave it to be determined by experience, how far it agrees with the impressions made on the minds of the majority of other men of similar qualifications. To us it seems, as it did to Archbishop Herring, that the Icôn is greatly more like the work of a priest than a king. It has more of dissertation than effusion. It has more regular division and systematic order than agree with the habits of the King. The choice and arrangement of words show a degree of care and neatness which are seldom attained but by a practised writer. The views of men and affairs, too, are rather those of a bystander than an actor. They are chiefly reflections, sometimes in themselves obvious, but often ingeniously turned, such as the surface of events would suggest to a spectator not too deeply interested. It betrays none of those strong feelings which the most vigilant regard to gravity and dignity could not have uniformly banished from the composition of an actor and a sufferer. It has no allusion to facts not accessible to any moderately informed man; though the King must have (sometimes rightly) thought that his superior knowledge of affairs would enable him to correct vulgar mistakes. If it be really the private effusion of a man's thoughts on himself and his own affairs, it would be the only writing of that sort in the world in which it is impossible to select a trace of peculiarities

and weaknesses, — of partialities and dislikes, — of secret opinions, — of favourite idioms, and habitual familiarities of expression: every thing is *impersonal*. The book consists entirely of generalities; while real writings of this sort never fail to be characterised by those minute and circumstantial touches, which parties deeply interested cannot, if they would, avoid. It is also very observable, that the Icôn dwells little on facts, where a mistake might so easily betray its not being the King's, and expatiates in reasoning and reflection, of which it is impossible to try the genuineness by any palpable test. The absence of every allusion to those secrets of which it would be very hard for the King himself wholly to conceal his knowledge, seems, indeed, to indicate the hand of a writer who was afraid of venturing on ground where his ignorance might expose him to irretrievable blunders. Perhaps also the want of all the smaller strokes of character betrays a timid and faltering forger, who, though he ventured to commit a pious fraud, shrunk from an irreverent imitation of the Royal feelings, and was willing, after the great purpose was served, so to soften the imposture, as to leave his retreat open, and to retain the means, in case of positive detection, of representing the book to have been published as what might be put into the King's mouth, rather than as what was actually spoken by him.

The section which relates to the civil war in Ireland not only exemplifies the above remarks, but closely connects the question respecting the Icôn with the character of Charles for sincerity. It certainly was not more unlawful for him to seek the aid of the Irish Catholics, than it was for his opponents to call in the succour of the Scotch Presbyterians. The Parliament procured the assistance of the Scotch army, by the imposition of the Covenant in England; and the King might, on the like principle, purchase the help of the Irish, by promising to tolerate, and even establish, the Catholic religion

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first instigation of the revolt, are left in that indefinite state in which the careless reader may be led to apply them to all subsequent transactions, which are skilfully,—not to say artfully,—passed over in silence. Now it is certain that the Earl of Glamorgan, a Catholic himself, was authorised by Charles to negotiate with the Catholics in 1645, independently of Ormonde, and with powers, into the nature of which the Lord Lieutenant thought himself bound not curiously to pry. It is, also, certain that, in the spring of that year, Glamorgan concluded a secret treaty with the Catholic assembly at Kilkenny, by which,—besides the repeal of penalties or disabilities,—all the churches and Church property in Ireland occupied by the Catholics since the revolt, were continued and secured to them*; while they, on their parts, engaged to send ten thousand troops to the King's assistance in England. Some correspondence on this subject was captured at sea, and some was seized in Ireland; both portions were immediately published by the Parliament, which compelled the King to imprison and disavow Glamorgan.† It is clear that these were measures of policy, merely intended to conceal the truth‡: and the King, if he was the writer of the Icôn, must have deliberately left on the minds of the readers of that book an opinion, of his connection with

* Birch, Inquiry, p. 68. The King's warrant, on 12th March 1645, gives Glamorgan power "*to treat with the Roman Catholics upon necessity, wherein our Lieutenant cannot so well be seen.*" p. 20.

† Harleian Miscellany, vol. iv. p. 494.

‡ See a curious letter published by Leland (History of Ireland, book v. chap. 7.), which clearly proves that the blindness of Ormonde was voluntary, and that he was either trusted with the secret, or discovered it; and that the imprisonment of Glamorgan was, what the Parliament called it, "*a colourable commitment.*" Leland is one of those writers who deserve more reputation than they enjoy: he is not only an elegant writer, but, considering his time and country, singularly candid, unprejudiced, and independent.

in Ireland. Warburton justly observes, that the King was free from blame in his negotiations with the Irish, "as a politician, and king, and governor of his people; but the necessity of his affairs obliging him at the same time to play the Protestant saint and confessor, there was found much disagreement between his professions and declarations, and actions in this matter."* As long as the disagreement was confined to official declarations and to acts of state, it must be owned that it is extenuated by the practice of politicians, and by the consideration, that the concealment of negotiations, which is a lawful end, can very often be obtained by no other means than a disavowal of them. The rigid moralist may regret this excuse, though it be founded on that high public convenience to which Warburton gives the name of "necessity." But all mankind will allow, that the express or implied denial of real negotiations in a private work,—a picture of the writer's mind, professing to come from the Man and not from the King, mixed with solemn appeals and fervid prayers to the Deity, is a far blacker and more aggravated instance of insincerity. It is not, therefore, an act of judicious regard to the memory of Charles to ascribe to him the composition of the twelfth section of the Icôn. The impression manifestly aimed at in that section is, that the imputation of a private connection with the Irish revolters was a mere calumny; and in the only paragraph which approaches to particulars, it expressly confines his intercourse with them to the negotiation for a time through Ormonde, and declares that his only object was to save "the poor Protestants of Ireland from their desperate enemies." In the section which relates to the publication of his letters, when the Parliament had explicitly charged him with clandestine negotiations, nothing is added on the subject. The general protestations of innocence, not very specifically applied even to the

* Clarendon, vol. vii. p. 591.

first instigation of the revolt, are left in that indefinite state in which the careless reader may be led to apply them to all subsequent transactions, which are skilfully,—not to say artfully,—passed over in silence. Now it is certain that the Earl of Glamorgan, a Catholic himself, was authorised by Charles to negotiate with the Catholics in 1645, independently of Ormonde, and with powers, into the nature of which the Lord Lieutenant thought himself bound not curiously to pry. It is, also, certain that, in the spring of that year, Glamorgan concluded a secret treaty with the Catholic assembly at Kilkenny, by which,—besides the repeal of penalties or disabilities,—all the churches and Church property in Ireland occupied by the Catholics since the revolt, were continued and secured to them*; while they, on their parts, engaged to send ten thousand troops to the King's assistance in England. Some correspondence on this subject was captured at sea, and some was seized in Ireland; both portions were immediately published by the Parliament, which compelled the King to imprison and disavow Glamorgan.† It is clear that these were measures of policy, merely intended to conceal the truth‡: and the King, if he was the writer of the Icôn, must have deliberately left on the minds of the readers of that book an opinion, of his connection with

* Birch, Inquiry, p. 68. The King's warrant, on 12th March 1645, gives Glamorgan power "*to treat with the Roman Catholics upon necessity, wherein our Lieutenant cannot so well be seen.*" p. 20.

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years of the fact; while fifty years had passed before the greater part of the traditional and hearsay stories, ranged on the opposite side, were brought together by Wagstaffe.

Let us consider, for example, the effect of the proceedings of 1660 upon the evidence of the witnesses who speak of the Icôn as having been actually taken from the King at Naseby, and afterwards restored to him by the conquerors. Two of the best known are the Earl of Manchester and Mr. Prynne. Eales, a physician at Welwyn in Hertfordshire, certifies, in 1699, that some years before the Restoration (*i. e.* about 1656), he heard Lord Manchester declare, that the MS. of the Icôn was taken at Naseby, and that he had seen it in the King's own hand.* Jones, at the distance of fifty years, says that he *had heard* from Colonel Stroud that Stroud *had heard* from Prynne in 1649, that he, by order of Parliament, had read the MS. of the Icôn taken at Naseby. † Now it is certain that Manchester was taken into favour, and Prynne was patronised at the Restoration. If this were so, how came matters, of which they spoke so publicly, to remain unknown to Clarendon and Southampton? Had the MS. Icôn been intrusted to Prynne by Parliament, or even by a committee, its existence must have been known to a body much too large to allow the supposition of secrecy. The application of the same remark disposes of the mob of second-hand witnesses. The very number of the witnesses increases the incredibility that their testimony could have escaped notice in 1660. Huntingdon, a Major in Cromwell's regiment, who abandoned the Parliamentary cause, is a more direct witness. In the year 1679, he informed Dugdale that he had procured the MS. Icôn taken at Naseby to be restored to the King at Hampton,—that it was *written* by Sir E. Walker, but

* "Who wrote," &c. p. 93. Wagstaffe's Vindication, p. 19.
† Ibid. p. 80.

interlined by the King, who wrote all the Devotions. In 1681 Dugdale published The Short View, in which is the same story, with the variation, "that it was written with the King's own hand;"—a statement which, in the summary language of a general narrative, can hardly be said to vary materially from the former. Now, Major Huntingdon had particularly attracted the notice of Clarendon: he is mentioned in the History with commendation.* He tendered his services to the King before the Restoration†; and, what is most important of all to our present purpose, his testimony regarding the conduct of Berkeley and Ashburnham, in the journey from Hampton Court, is expressly mentioned by the historian as being, in 1660, thought worthy of being weighed even against that of Somerset and Southampton.‡ When we thus trace a direct communication between him and the minister, and when we remember that it took place at the very time of the claim of Gauden, and that it related to events contemporary with the supposed recovery of the Icôn, it is scarcely necessary to ask, whether Clarendon would not have sounded him on that subject, and whether Huntingdon would not then have boasted of such a personal service to the late King. It would be contrary to common sense not to presume that something then passed on that subject, and that, if Huntingdon's account at that time coincided with his subsequent story, it could not have been rejected, unless it was outweighed by contrary evidence.§ He must

*. Vol. v. p. 484. † Ibid. vol. vii. p. 432.

‡ Ibid. vol. v. p. 495.

§ Dr. Wordsworth admits, that if Clarendon had consulted Duppa, Juxon, Sheldon, Morley, Kendal, Barwick, Legge, Herbert, &c. &c.; nay, if he had consulted only Morley alone, he must have been *satisfied*,—(Dr. Wordsworth, of course, says for the King). Now, it is certain, from the message of Morley to Clarendon in 1674, that previous discussion had taken place between them. Does not this single fact decide the question on Dr. Wordsworth's own admission?

have been thought either a deceiver or deceived: for the more candid of these suppositions there was abundant scope. It is known that one MS. (*not the Icôn*) *written* by Sir Edward Walker and *corrected* by the King, was taken with the King's correspondence at Naseby, and restored to him by Fairfax through an officer at Hampton Court.* This was an account of the military transactions in the Civil War, written by Walker, and published in his Historical Discourses long after. It was natural that the King should be pleased at the recovery of this manuscript, which he soon after sent from Hampton Court to Lord Clarendon in Jersey, as a "contribution" towards his History. How easily Huntingdon, an old soldier little versed in manuscripts, might, thirty years afterwards, have confounded these memorials with the Icôn! A few prayers in the King's handwriting might have formed part of the papers restored. So slight and probable are the only suppositions necessary to save the veracity of Huntingdon, and to destroy the value of his evidence.

Sir Thomas Herbert, who wrote his Memoirs thirty years after the event, in the seventy-third year of his age, when, as he told Antony Wood, "he was grown old, and not in such a capacity as he could wish to publish it," found a copy of the Icôn among the books which Charles I. left to him, and thought "the handwriting was the King's." Sir Philip Warwick states Herbert's testimony (probably from a conversation more full than the Memoirs) to be, that "he saw the MS. in the King's hand, as he believes; but it was in a running character, *and not in that which the King usually wrote.*"† Now, more than one copy of the Icôn might have been sent to Charles; they might have been written with some resemblances to his hand-

* Clarendon, vol. v. p. 476.; and Warburton's note.

† Memoirs, p. 69. How much this coincides with Gauden's account, that his wife had disguised the writing of the copy sent to the Isle of Wight!

writing; but assuredly the original MS. would not have been loosely left to Herbert, while works on general subjects were bequeathed to the King's children. It is equally certain that this was not the MS. from which the Icôn was published a few days afterwards; and, above all, it is clear that information from Herbert* would naturally be sought, and would have been easily procured, in 1660. The ministers of that time perhaps examined the MS.; or if it could not be produced, they might have asked why it was not preserved, — a question to which, on the supposition of its being written by the King, it seems now impossible to imagine a satisfactory answer. The same observations are applicable to the story of Levett, a page, who said that he had seen the King writing the Icôn, and had read several chapters of it, — but more forcibly, from his being less likely to be intrusted, and more liable to confusion and misrecollection; — to say nothing of our ignorance of his character for veracity, and of the interval of forty-two years which had passed before his attestation on this subject.

The Naseby copy being the only fragment of positive evidence in support of the King's authorship, one more observation on it may be excused. If the Parliamentary leaders thought the Icôn so dangerous to their cause, and so likely to make an impression favourable to the King, how came they to restore it so easily to its author, whom they had deeply injured by the publication of his private letters? The advocates of the King charge this publication on them, as an act of gross indelicacy, and at the same time ascribe to them, in the restoration of the Icôn, a singular instance of somewhat wanton generosity.

It may be a question whether lawyers are justified in altogether rejecting hearsay evidence; but it never

* He was made a baronet at the Restoration, for his personal services to Charles I.

banished the remembrance of their services. Their grave and harsh virtues were more unpopular than so many vices; while the needs and disasters of war served to heighten the plebeian clamour, and to strengthen the military power, which together formed the combined force of the stadtholderian party. It was then in vain that the republicans endeavoured to satisfy that party, and to gain over the King of England, by the nomination of the Prince of Orange to be captain-general; Charles was engaged in deeper designs. The progress of the French arms still farther exasperated the populace, and the republicans incurred the reproach of treachery by a disposition—perhaps carried to excess—to negotiate with Louis XIV. at a moment when all negotiation wore the appearance of submission. So it had formerly happened:—Barneveldt was friendly to peace with Spain, when Maurice saw no safety but in arms. Men equally wise and honest may differ on the difficult and constantly varying question, whether uncompromising resistance, or a reservation of active effort for a more favourable season, be the best mode of dealing with a formidable conqueror. Though the war policy of Demosthenes terminated in the destruction of Athens, we dare not affirm that the pacific system of Phocion would have saved it. In the contest of Maurice with Barneveldt, and of De Witt with the adherents of the House of Orange, both parties had an interest distinct from that of the commonwealth; for the influence of the States grew in peace, and the authority of the captain-general was strengthened by war. The populace now revolted against their magistrates in all the towns, and the States of Holland were compelled to repeal the Edict which they called "Perpetual," to release themselves and all the officers from the oath which they had taken to observe it, and to confer, on the 4th of July 1672, on the prince the office of stadtholder,—which, then only elective for life, was, after two years more, made hereditary to his descendants.

The commotions which accompanied this revolution were stained by the murder of John and Cornelius De Witt,—a crime perpetrated with such brutal ferocity, and encountered with such heroic serenity, that it may almost seem to be doubtful whether the glory of having produced such pure sufferers may not in some degree console a country for having given birth to assassins so atrocious. These excesses are singularly at variance with the calm and orderly character of the Dutch, —than whom perhaps no free state has, in proportion to its magnitude, contributed more amply to the amendment of mankind by examples of public virtue. The Prince of Orange, thus hurried to the supreme authority at the age of twenty-two, was ignorant of these crimes, and avowed his abhorrence of them. They were perpetrated more than a month after his highest advancement, when they could produce no effect but that of bringing odium upon his party. But it must be for ever deplored that the extreme danger of his position should have prevented him from punishing the offences of his partisans, till it seemed too late to violate that species of tacit amnesty which time insensibly establishes. It would be impossible ever to excuse this unhappy impunity, if we did not call to mind that Louis XIV. was at Utrecht; that it was the populace of the Hague that had imbrued their hands in the blood of the De Witts; and that the magistrates of Amsterdam might be disposed to avenge on their country the cause of their virtuous chiefs. Henceforward William directed the counsels and arms of Holland, gradually forming and leading a confederacy to set bounds to the ambition of Louis XIV., and became, by his abilities and dispositions, as much as by his position, the second person in Europe.

We possess unsuspected descriptions of his character from observers of more than ordinary sagacity, who had an interest in watching its development before it was surrounded by the dazzling illusions of power and fame. Among the most valuable of these witnesses

were some of the subjects and servants of Louis XIV. At the age of eighteen the Prince's good sense, knowledge of affairs, and seasonable concealment of his thoughts, attracted the attention of Gourville, a man of experience and discernment. St. Evremond, though himself distinguished chiefly by vivacity and accomplishments, saw the superiority of William's powers through his silence and coldness. After long intimacy Sir William Temple describes his great endowments and excellent qualities, his—then almost singular—combination of "charity and religious zeal," "his desire—rare in every age—to grow great rather by the service than the servitude of his country;"—language so manifestly considerate, discriminating, and unexaggerated, as to bear on it the inimitable stamp of truth, in addition to the weight which it derives from the probity of the writer. But there is no testimony so important as that of Charles II., who, in the early part of his reign, had been desirous of gaining an ascendant in Holland by the restoration of the House of Orange, and of subverting the government of De Witt, whom he never forgave for his share in the treaty with the English Republic. Some retrospect is necessary, to explain the experiment by which that monarch both ascertained and made known the ruling principles of his nephew's mind.

The mean negotiations about the sale of Dunkirk first betrayed to Louis XIV. the passion of Charles for French money. The latter had, at the same time, offered to aid Louis in the conquest of Flanders, on condition of receiving French succour against the revolt of his own subjects*, and had strongly expressed his desire of an offensive and defensive alliance to Ruvigni, one of the most estimable of that monarch's agents.† But the most pernicious of Charles's

* D'Estrades, vol. v. p. 450.

† Mémoire de Ruvigni au Roi. Dalrymple, Memoirs of Great Britain, &c. vol. ii. p. 11. D'Estrades, vol. v., 20th Dec. 1663. 18th Dec. 1664.

vices, never bridled by any virtue, were often mitigated by the minor vices of indolence and irresolution. Even the love of pleasure, which made him needy and rapacious, unfitted him for undertakings full of toil and peril. Projects for circumventing each other in Holland, which Charles aimed at influencing through the House of Orange, and Louis hoped to master through the Republican party, retarded their secret advances to an entire union. De Witt was compelled to consent to some aggrandisement of France, rather than expose his country to a war without the co-operation of the King of England, who was ready to betray a hated ally. The first Dutch war appears to have arisen from the passions of both nations, and their pride of maritime supremacy,—employed as instruments by Charles wherewith to obtain booty at sea, and supply from his parliament,—and by Louis wherewith to seize the Spanish Netherlands. At the peace of Breda (July 1667), the Court of England seemed for a moment to have changed its policy, by the conclusion of the Triple Alliance, which prescribed some limits to the ambition of France,—a system which De Witt, as soon as he met so honest a negotiator as Sir William Temple, joyfully hastened to embrace.

Temple was, however, duped by his master. It is probable that the Triple Alliance was the result of a fradulent project, suggested originally by Gourville to ruin De Witt, by embroiling him irreconcilably with France.* Charles made haste to disavow the intentions professed in it†; and a negotiation with France was immediately opened, partly by the personal intercourse of Charles with the French ministers at his court, but chiefly through his sister, the Duchess of

* Mémoires de Gourville (Paris, 1724), vol. ii. pp. 14—18. 160.

† Charles II. to the Duchess of Orleans, 13th Jan. 1668. Dalrymple, vol. ii. p. 5. [The old style is used throughout these references.—Ed.]

Orleans,—an amiable princess, probably the only person whom he ever loved. This correspondence, which was concealed from those of his ministers who were not either Catholics or well affected to the Catholic religion, lingered on till May 1670, when (on the 22d) a secret treaty was concluded under cover of a visit made by the duchess to her brother.*

* It was signed by Lords Arlington and Arundel, Sir Thomas Clifford, and Sir Richard Bealing, on the part of England, and by Colbert de Croissy, the brother of the celebrated financier, on the part of France. Rose, Observations on Fox's History, p. 51. Summary collated with the original, in the hands of the present Lord Clifford. The draft of the same treaty, sent to Paris by Arundel, does not materially differ. Dalrymple, vol. i. p. 44. "The Life of James II. (vol. i. pp. 440—450.) agrees, in most circumstances, with these copies of the treaties, and with the correspondence. There is one important variation. In the treaty it is stipulated that Charles's measures in favour of the Catholic religion should precede the war against Holland, according to the plan which he had always supported. 'The Life' says, that the resolution was taken at Dover to begin with the war against Holland, and the despatch of Colbert from Dover, 20th May (Dalrymple, vol. ii. p. 57.), almost justifies the statement, which may refer to a verbal acquiescence of Charles, probably deemed sufficient in these clandestine transactions, where that prince desired nothing but such assurances as satisfy gentlemen in private life. It is true that the narrative of the Life is not here supported by those quotations from the king's original Memoirs on which the credit of the compilation essentially depends. But as in the eighteen years, 1660—1678, which exhibit no such quotations, there are internal proofs that some passages, at least, of the Life are taken from the Memoirs, the absence of quotation does not derogate so much from the credit of this part of the work as it would from that of any other." See Edinburgh Review, vol. xxvi. pp. 402—430. This treaty has been laid to the charge of the Cabinet called the "Cabal," unjustly; for, of the five members of that administration, two only, Clifford and Arlington, were privy to the designs of the king and the Duke of York. Ashley and Lauderdale were too zealous Protestants to be trusted with it. Buckingham (whatever might be his indifference in religion) had too much levity to be trusted with such secrets; but he was so penetrating that it was thought prudent to divert his attention from the real negotiation, by engaging him in negotiating a simulated treaty, in which the articles

The essential stipulations of this unparalleled compact were three: that Louis should advance money to Charles, to enable him the more safely to execute what is called "a declaration of his adherence to the Catholic religion," and should support him with men and money, if that measure should be resisted by his subjects; that both powers should join their arms against Holland, the islands of Walcheren and Cadsand being allotted to England as her share of the prey (which clearly left the other territories of the Republic at the disposal of Louis); and that England should aid Louis in any new pretensions to the crown of Spain, or, in other and plainer language, enable him, on the very probable event of Charles II. of Spain dying without issue*, to incorporate with a monarchy, already the greatest in Europe, the long-coveted inheritance of the House of Burgundy, and the two vast peninsulas of Italy and Spain. The strength of Louis would thus have been doubled at one blow, and all limitations to his farther progress on the Continent must have been left to his own moderation. It is hard to imagine what should have hindered him from rendering his monarchy universal over the civilised world. The port of Ostend, the island of Minorca, and the permission to conquer Spanish America, with a very vague promise of assistance of France, were assigned to England as the wages of her share of this conspiracy against mankind. The fearful stipulations for rendering the King of England independent of Parliament by a secret supply of foreign money, and for putting into his hands a foreign military force, to be employed against his subjects, were, indeed, to take effect, only in case of the avowal of his reconciliation with the Church of Rome. But as he himself con-

favourable to the Catholic religion were left out. On the other hand, Lord Arundel and Sir Richard Bealing, Catholics not of the "Cabal," were negotiators.

* Charles II., king of Spain, was then a feeble and diseased child of nine years old.

sidered a re-establishment of that Church as essential to the consolidation of his authority,—which the mere avowal of his religion would rather have weakened, and the bare toleration of it could little, if at all, have promoted; as he confessedly meditated measures for quieting the alarms of the possessors of Church lands, whom the simple letter of the treaty could not have much disturbed; as he proposed a treaty with the pope, to obtain the cup for the laity, and the mass in English,—concessions which are scarcely intelligible without the supposition that the Church of Rome was to be established; as he concealed this article from Shaftesbury, who must have known his religion, and was then friendly to a toleration of it; and as other articles were framed for the destruction of the only powerful Protestant state on the Continent, there cannot be the slightest doubt that the real object of this atrocious compact, however disguised under the smooth and crafty language of diplomacy, was the forcible imposition of a hated religion upon the British nation, and that the conspirators foresaw a national resistance, which must be stifled or quelled by a foreign army.* It was evident that the most tyrannical measures would have been necessary for the accomplishment of such purposes, and that the transfer of all civil, military, and ecclesiastical power to the members of a communion who had no barrier against public hatred but the throne, must have tended to render the power of Charles absolute, and must have afforded him the most probable means of effectually promoting the plans of his ally for the subjugation of Europe.† If the foreign and domestic objects of this treaty be considered,

* Dalrymple, vol. ii. p. 84.

† It is but just to mention, that Burnet calls it only the "*toleration* of popery," vol. i. p. 522. He had seen only Primi's history, and he seems to speak of the negotiation carried on through Buckingham, from whom we know that the full extent of the plan was concealed.

together with the means by which they were to have been accomplished, and the dire consequences which must have flowed from their attainment, it seems probable that so much falsehood, treachery, and mercenary meanness were never before combined, in the decent formalities of a solemn compact between sovereigns, with such premeditated bloodshed and unbridled cruelty. The only semblance of virtue in the dark plot was the anxiety shown to conceal it; which, however, arose more from the fears than the shame of the conspirators. In spite of all their precautions it transpired: the secret was extorted from Turenne, in a moment of weakness, by a young mistress.* He also disclosed some of the correspondence to Puffendorf, the Swedish minister at Paris, to detach the Swedes from the Triple Alliance†; and it was made known by that minister, as well as by De Groot, the Dutch ambassador at Paris, to De Witt, who had never ceased to distrust the sincerity of the Stuarts towards Holland.‡ The suspicions of Temple himself had been early awakened; and he seems to have in some measure played the part of a willing dupe, in the hope of entangling his master in honest alliances. The substance of the secret treaty was the subject of general conversation at the Court of England at the time of Puffendorf's discovery.§ A pamphlet published, or at least printed, in 1673, intelligibly hints at its existence "about four years before."‖ Not long after, Louis XIV., in a moment of dissatisfaction with Charles II., permitted or commanded the Abbate

* Ramsay, Histoire de Turenne (Paris, 1735), vol. i. p. 429.

† Sir W. Temple to Sir Orlando Bridgman, 24th April, 1669.

‡ De Witt observed to Temple, even in the days of the Triple Alliance, — "A change of councils in England would be our ruin. Since the reign of Elizabeth there has been such a fluctuation in the English councils, that it has been impossible to concert measures with them for two years."

§ Pepys's Memoirs, vol. ii. p. 336.

‖ England's Appeal from the Private Cabal at Whitehall.

Primi to print a History of the Dutch War at Paris, which derived credit from being soon suppressed at the instance of the English minister, and which gave an almost verbally exact summary of the secret treaty, with respect to three of its objects, — the partition of Holland, the re-establishment of the Catholic religion in the British Islands, and the absolute authority of the king.* The project for the dismemberment of Holland, adopted by Charles I. in 1631, appears to have been entertained by his eldest son till the last years of his reign.†

As one of the articles of the secret treaty had provided a petty sovereignty for the Prince of Orange out of the ruins of his country, Charles took the opportunity of his nephew's visit to England, in October 1670, to sound him on a project which was thus baited for his concurrence. "All the Protestants," said the King, "are a factious body, broken among themselves since they have been broken from the main stock. Look into these things better; do not be misled by your Dutch blockheads."‡ The King immediately imparted the failure of this attempt to the French ambassador: "I am satisfied with the prince's abilities, but I find him too zealous a Dutchman and a Protestant to be trusted with the secret."§ But enough had escaped to disclose to the sagacious youth the purposes of his uncle, and to throw a strong light on the motives of all his subsequent measures. The inclination of Charles towards the Church of Rome could never have rendered a man so regardless of religion solicitous for a conversion, if he had not considered it as subservient to projects for the civil establishment of that Church, — which, as it could subsist only by his favour, must have been the instrument of his absolute power. As-

* State Trials in the reign of Wm. III. (Lond. 1705), Introd. p. 10.

† Preston Papers, in the possession of Sir James Graham of Netherby.

‡ Burnet, vol. i. p. 475. § Dalrymple, vol. ii. p. 70.

tonished as William was by the discovery, he had the fortitude, during the life of Charles, to conceal it from all but one, or, at most, two friends. It was reserved for later times to discover that Charles had the inconceivable baseness to propose the detention of his nephew in England, where the temptation of a sovereignty, being aided by the prospect of the recovery of his freedom, might act more powerfully on his mind; and that this proposal was refused by Louis, either from magnanimity, or from regard to decency, or, perhaps, from reluctance to trust his ally with the sole disposal of so important a prisoner.

Though — to return, — in 1672 the French army had advanced into the heart of Holland, the fortitude of the prince was unshaken. Louis offered to make him sovereign of the remains of the country, under the protection of France and England*; but at that moment of extreme peril, he answered with his usual calmness, "I never will betray a trust, nor sell the liberties of my country, which my ancestors have so long defended." All around him despaired. One of his very few confidential friends, after having long expostulated with him on his fruitless obstinacy, at length asked him if he had considered how and where he should live after Holland was lost? "I have thought of that," he replied; "I am resolved to live on the lands I have left in Germany. I had rather pass my life in hunting there, than sell my country or my liberty to France at any price."† Buckingham and Arlington were sent from England to try whether, beset by peril, the lure of sovereignty might not seduce him. The former often said, "Do you not see that the country is lost?" The answer of the prince to the profligate buffoon spoke the same unmoved resolution with that which he had made to Zulestein or

* Dalrymple, vol. ii. p. 79.

† Temple, Works (Lond. 1721), vol. i. p. 381. This friend was probably his uncle Zulestein, for the conversation passed before his intimacy with Bentinck.

Fagel; but it naturally rose a few degrees towards animation: — "I see it is in great danger, but there is a sure way of never seeing it lost; and that is, to die in the last ditch."* The perfect simplicity of these declarations may authorise us to rank them among the most genuine specimens of true magnanimity. Perhaps the history of the world does not hold out a better example, how high above the reach of fortune the pure principle of obedience to the dictates of conscience, unalloyed by interest, passion, or ostentation, can raise the mind of a virtuous man. To set such an example is an unspeakably more signal service to mankind than all the outward benefits which flow to them from the most successful virtue. It is a principle independent of events, and one that burns most brightly in adversity, — the only agent, perhaps, of sufficient power to call forth the native greatness of soul which lay hid under the cold and unattractive deportment of the Prince of Orange.

His present situation was calculated to ascertain whether his actions would correspond with his declarations. Beyond the important country extending from Amsterdam to Rotterdam, — a district of about forty miles in length, the narrow seat of the government, wealth, and force of the commonwealth, which had been preserved from invasion by the bold expedient of inundation, and out of which the cities and fortresses arose like islands, — little remained of the republican territory except the fortress of Maestricht, the marshy islands of Zealand, and the secluded province of Friesland. A French army of a hundred and ten thousand men, encouraged by the presence of Louis, and commanded by Condé and Turenne, had their head-quarters at Utrecht, within twenty miles of Amsterdam, and impatiently looked forward to the moment when the ice should form a road to the spoils of that capital of the commercial world. On the

* Burnet, vol. i. p. 569.

other side, the hostile flag of England was seen from the coast. The Prince of Orange, a sickly youth of twenty-two, without fame or experience, had to contend against such enemies at the head of a new government, of a divided people, and of a little army of twenty thousand men, — either raw recruits or foreign mercenaries, — whom the exclusively maritime policy of the late administration had left without officers of skill or name. His immortal ancestor, when he founded the republic about a century before, saw at the lowest ebb of his fortune the hope of aid from England and France: far darker were the prospects of William III. The degenerate successor of Elizabeth, abusing the ascendant of a parental relation, sought to tempt him to become a traitor to his country for a share in her spoils. The successor of Henry IV. offered him only the choice of being bribed or crushed. Such was their fear of France, that the Court of Spain did not dare to aid him, though their only hope was from his success. The German branch of the House of Austria was then entangled in a secret treaty with Louis, by which the Low Countries were ceded to him, on condition of his guaranteeing to the Emperor the reversion of the Spanish monarchy on the death of Charles II. without issue. No great statesman, no illustrious commander but Montecucculi, no able prince but the great Elector of Brandenburgh, was to be found among the avowed friends or even secret well-wishers of William. The territories of Cologne and Liége, which presented all the means of military intercourse between the French and Dutch frontiers, were ruled by the creatures of Louis. The final destruction of a rebellious and heretical confederacy was foretold with great, but not apparently unreasonable, confidence by the zealots of absolute authority in Church and State; and the inhabitants of Holland began seriously to entertain the heroic project of abandoning an enslaved country, and transporting the commonwealth to their dominions in the Indian Islands.

At this awful moment fortune seemed to pause. The unwieldy magnificence of a royal retinue encumbered the advance of the French army. Though masters of Naerden, which was esteemed the bulwark of Amsterdam, they were too late to hinder the opening of the sluices at Murden, which drowned the country to the gates of that city. Louis, more intoxicated with triumph than intent on conquest, lost in surveying the honours of victory the time which should have been spent in seizing its fruits. Impatient of so long an interruption of his pleasures, he hastened to display at Versailles the trophies of a campaign of two months, in which the conquest of three provinces, the capture of fifty fortified places and of 24,000 prisoners, were ascribed to him by his flatterers. The cumbrous and tedious formalities of the Dutch constitution enabled the stadtholder to gain some time without suspicion. Even the perfidious embassy of Buckingham and Arlington contributed somewhat to prolong negotiations. He amused them for a moment by appearing to examine the treaties they had brought from London, by which France was to gain all the fortresses which commanded the country, leaving Zealand to England, and the rest of the country as a principality to himself.* Submission seemed inevitable and speedy: still the inundation rendered military movements inconvenient and perhaps hazardous; and the prince thus obtained a little leisure for the execution of his measures. The people, unable to believe the baseness of the Court of London, were animated by the appearance of the ministers who came to seal their ruin: the government, surrounded by the waters, had time to negotiate at Madrid, Vienna, and Berlin. The

* The official despatches of these ambassadors are contained in a MS. volume, probably the property of Sir W. Trumbull, now in the hands of his descendant, the Marquis of Downshire. These despatches show that the worst surmises circulated at the time, of the purposes of this embassy, were scarcely so bad as the truth.

Marquis de Monterey, governor of the Catholic Netherlands, without instructions from the Escurial, had the boldness to throw troops into the important fortresses of Dutch Brabant, — Breda, Bergen-op-Zoom, and Bois-le-Duc, — under pretence of a virtual guarantee of that territory by Spain.

In England, the continuance of prorogations — relieving the king from parliamentary opposition, but depriving him of sufficient supply — had driven him to resources alike inadequate and infamous*, and had foreboded that general indignation which, after the combined fleets of England and France had been worsted by the marine of Holland† alone, at the very moment when the remnant of the Republic seemed about to be swallowed up, compelled him to desist from the open prosecution of the odious conspiracy against her.‡ The Emperor Leopold, roused to a just sense of the imminent danger of Europe, also concluded a defensive alliance with the States-General §; as did the Germanic body generally, including Frederick William of Brandenburgh, called the "Great Elector."

Turenne had been meanwhile compelled to march from the Dutch territory to observe, and, in case of need, to oppose, the Austrian and Brandenburgh troops; and the young prince ceased to incur the risk and to enjoy the glory of being opposed to that great commander, who was the grandson of William I. ‖, and had been trained to arms under Maurice. The winter of 1672 was unusually late and short. As soon as the ice seemed sufficiently

* Shutting up of the Exchequer, Jan. 2. 1672.

† Battle of Southwold Bay, 28th and 29th May 1672. In these memorable actions even the biographer of James II. in effect acknowledges that De Ruyter had the advantage. Life, vol. i. pp. 457—476.

‡ Peace concluded at Westminster, Feb. 19th, 1674.

§ 25th July 1672.

‖ By Elizabeth of Nassau, duchess of Bouillon.

solid, Luxemburgh, who was left in command at Utrecht, advanced, in the hope of surprising the Hague, when a providential thaw obliged him to retire. His operations were limited to the destruction of two petty towns; and it seems doubtful whether he did not owe his own escape to the irresolution or treachery of a Dutch officer intrusted with a post which commanded the line of retreat. At the perilous moment of Luxemburgh's advance, took place William's long march through Brabant to the attack of Charleroi—undertaken probably more with a view of raising the drooping spirits of his troops than in the hope of ultimate success. The deliverance of Holland in 1672 was the most signal triumph of a free people over mighty invaders, since the defeat of Xerxes.

In the ensuing year, William's offensive operations had more outward and lasting consequences. Having deceived Luxemburgh, he recovered Naerden, and shortly hazarding another considerable march beyond the frontier, he captured the city of Bonn, and thus compelled Turenne to provide for the safety of his army by recrossing the Rhine. The Spanish governor of the Low Countries then declared war against France, and Louis was compelled to recall his troops from Holland. Europe now rose on all sides against the monarch who not many months before appeared to be her undisputed lord. So mighty were the effects of a gallant stand by a small people, under an inexperienced chief, without a council or minister but the pensionary Fagel—the pupil and adherent of De Witt, who, actuated by the true spirit of his great master, continued faithfully to serve his country, in spite of the saddest examples of the ingratitude of his countrymen. In the six years of war which followed, the prince commanded in three battles against the greatest generals of France. At Senef*, it was a

* 11th August 1674.

sufficient honour that he was not defeated by Condé; and that the veteran declared, on reviewing the events of the day, — "The young prince has shown all the qualities of the most experienced commander, except that he exposed his own person too much." He was defeated without dishonour at Cassel*, by Luxemburgh, under the nominal command of the Duke of Orleans. He gained an advantage over the same great general, after an obstinate and bloody action, at St. Denis, near Mons. This last proceeding was of more doubtful morality than any other of his military life, the battle being fought four days after the signature of a separate treaty of peace by the Dutch plenipotentiaries at Nimeguen.† It was not, indeed, a breach of faith, for there was no armistice, and the ratifications were not executed. It is uncertain, even whether he had information of what had passed at Nimeguen; the official despatches from the States-General reaching him only the next morning. The treaty had been suddenly and unexpectedly brought to a favourable conclusion by the French ministers: and the prince, who condemned it as alike offensive to good faith and sound policy, had reasonable hopes of obtaining a victory, which, if gained before the final signature, might have determined the fluctuating counsels of the States to the side of vigour and honour. The morality of soldiers, even in our own age, is not severe in requiring proof of the necessity of bloodshed, if the combat be fair, the event brilliant, and, more particularly, if the commander freely exposes his own life. His gallant enemies warmly applauded this attack, distinguished, as it seems eminently to have been, for the daring valour, which was brightened by the gravity and modesty of his character; and they declared it to be "the only heroic action of a six years' war between all the great nations of Europe." If the

* 11th April 1677. † 10th August 1678.

official despatches had not hindered him from prosecuting the attack on the next day with the English auxiliaries, who must then have joined him, he was likely to have changed the fortune of the war.

The object of the prince and the hope of his confederates had been to restore Europe to the condition in which it had been placed by the treaty of the Pyrenees.* The result of the negotiations at Nimeguen was to add the province of Franche Comté, and the most important fortresses of the Flemish frontier, to the cessions which Louis at Aix-la-Chapelle† had extorted from Spain. The Spanish Netherlands were thus farther stripped of their defence, the barrier of Holland weakened, and the way opened for the reduction of all the posts which face the most defenceless parts of the English coast. The acquisition of Franche Comté broke the military connection between Lombardy and Flanders, secured the ascendant of France in Switzerland, and, together with the usurpation of Lorraine, exposed the German empire to new aggression. The ambition of the French monarch was inflamed, and the spirit of neighbouring nations broken, by the ineffectual resistance as much as by the long submission of Europe.

The ten years which followed the peace of Nimeguen were the period of his highest elevation. The first exercise of his power was the erection of three courts, composed of his own subjects, and sitting, by his authority, at Brissac, Metz, and Besançon, to determine whether certain territories ought not to be annexed to France, which he claimed as fiefs of the provinces ceded to him by the Empire by the treaty of Westphalia. These courts, called "Chambers of Union," summoned the possessors of these supposed fiefs to answer the King's complaints. The justice of the claim and the competence of the tribunals were disputed with equal reason. The Chamber at Metz de-

* 7th Nov. 1659. † 2d May, 1668

creed the confiscation of eighty fiefs, for default of appearance by the feudatories, among whom were the Kings of Spain and Sweden, and the Elector Palatine. Some petty spiritless princes actually did homage to Louis for territories said to have been anciently fiefs of the see of Verdun*; and, under colour of a pretended judgment of the Chamber at Brissac†, the city of Strasburgh, a flourishing Protestant republic, which commanded an important pass on the Rhine, was surrounded at midnight, in a time of profound peace, by a body of French soldiers, who compelled those magistrates who had not been previously corrupted to surrender the city to the crown of France‡, amidst the consternation and affliction of the people. Almost at the same hour, a body of troops entered Casal, in consequence of a secret treaty with the Duke of Mantua, a dissolute and needy youth, who, for a bribe of a hundred thousand pounds, betrayed into the hands of Louis that fortress, then esteemed the bulwark of Lombardy.§ Both these usurpations were in con-

* Dumont, Corps Diplomatique, vol. vii. part ii. p. 13.

† Flassan, Histoire de la Diplomatie Française, vol. iv. pp. 59. 63.

‡ Œuvres de Louis XIV., vol. iv. p. 194., where the original correspondence is published. The pretended capitulation is dated on the 30th September 1681. The design against Strasburgh had been known in July. MS. letters of Sir Henry Saville (minister at Paris) to Sir Leoline Jenkins. Downshire Papers.

§ Œuvres de Louis XIV., vol. iv. pp. 216, 217. The mutinous conscience of Catinat astonished and displeased the haughty Louvois. Casal had been ceded in 1678 by Matthioli, the duke's minister, who, either moved by remorse or by higher bribes from the house of Austria, advised his master not to ratify the treaty; for which he was carried prisoner into France, and detained there in close and harsh custody. He was the famous Man with the Iron Mask, who died in the Bastille. The bargain for Casal was disguised in the diplomatic forms of a convention between the king and the duke. Dumont, vol. vii. part ii. p. 14. An army of 15,000 men was collected in Dauphiny, at the desire of the duke, to give his sale the appearance of necessity. Letter of Sir Henry Saville.

tempt of a notice from the imperial minister at Paris, against the occupation of Strasburgh, an Imperial city, or Casal, the capital of Montferrat, a fief of the Empire.*

On the Belgic frontier, means were employed more summary and open than pretended judgments or clandestine treaties. Taking it upon himself to determine the extent of territory ceded to him at Nimeguen, Louis required from the Court of Madrid the possession of such districts as he thought fit. Much was immediately yielded. Some hesitation was shown in surrendering the town and district of Alost. Louis sent his troops into the Netherlands, there to stay till his demands were absolutely complied with; and he notified to the governor, that the slightest resistance would be the signal of war. Hostilities soon broke out, which, after having made him master of Luxemburgh, one of the strongest fortresses of Europe, were terminated in the summer of 1684, by a truce for twenty years, leaving him in possession of, and giving the sanction of Europe to, his usurpations.

To a reader of the nineteenth century, familiar with the present divisions of territory in Christendom, and accustomed to regard the greatness of France as well adapted to the whole state of the European system, the conquests of Louis XIV. may seem to have inspired an alarm disproportioned to their magnitude. Their real danger, however, will be speedily perceived by those who more accurately consider the state of surrounding countries, and the subdivision of dominion in that age. Two monarchies only of the first class existed on the Continent, as the appellation of "the Two Crowns," then commonly used in speaking of France and Spain, sufficiently indicate. But Spain, which, under the last Austrian king, had perhaps reached the lowest point of her extraordinary fall,

* Sir Henry Saville to Sir Leoline Jenkins. Fontainbleau, 12th Sept. 1681.

was in truth no longer able to defend herself. The revenue of somewhat more than two millions sterling was inadequate to the annual expense.* Ronquillo, the minister of this vast empire in London, was reduced to the necessity of dismissing his servants without payment.† An invader who had the boldness to encounter the shadow of a great name had little to dread, except from the poverty of the country, which rendered it incapable of feeding an army. Naples, Lombardy, and the Catholic Netherlands, though the finest provinces of Europe, were a drain and a burden in the hands of a government sunk into imbecile dotage, and alike incapable of ruling and of maintaining these envied possessions. While Spain, a lifeless and gigantic body, covered the south of Europe, the manly spirit and military skill of Germany were rendered of almost as little avail by the minute subdivisions of its territory. From the Rhine to the Vistula, a hundred princes, jealous of each other, fearful of offending the conqueror, and often competitors for his disgraceful bounty, broke into fragments the strength of the Germanic race. The houses of Saxony and Bavaria, Brandenburgh and Brunswick, Wurtemburg, Baden, and Hesse, though among the most ancient and noble of the ruling families of Europe, were but secondary states. Even the genius of the late Elector of Brandenburgh did not exempt him from the necessity or the temptation of occasional compliance with Louis. From the French frontier to the Baltic, no one firm mass stood in the way of his arms. Prussia was not yet a monarchy, nor Russia an European state. In the south-eastern provinces of Germany, where Rodolph of Hapsburgh had laid the foundations of his family, the younger branch had,

* Mémoires de Gourville, vol. ii. p. 82. An account apparently prepared with care. I adopt the proportion of thirteen livres to the pound sterling, which is the rate of exchange given by Barillon, in 1679.

† Ronquillo, MS. letter.

from the death of Charles V., formed a monarchy which, aided by the Spanish alliance, the imperial dignity, and a military position on the central frontier of Christendom, rendering it the bulwark of the empire against the irruptions of the Turkish barbarians, rose during the thirty years' war to such a power, that it was prevented only by Gustavus Adolphus from enslaving the whole of Germany. France, which under Richelieu had excited and aided that great prince and his followers, was for that reason regarded for a time as the protector of the German States against the Emperor. Bavaria, the Palatinate, and the three ecclesiastical Electorates, partly from remaining jealousy of Austria, and partly from growing fear of Louis, were disposed to seek his protection, and acquiesce in many of his encroachments.* This numerous, weak, timid, and mercenary body of German princes supplied the chief materials out of which it was possible that an alliance against the conqueror might one day be formed. On the other hand, the military power of the Austrian monarchy was crippled by the bigotry and tyranny of its princes. The persecution of the Protestants, and the attempt to establish an absolute government, had spread disaffection through Hungary and its vast dependencies. In a contest between one tyrant and many, where the people in a state of personal slavery are equally disregarded by both, reason and humanity might be neutral, if reflection did not remind us, that even the contests and factions of a turbulent aristocracy call forth an energy, and magnanimity, and ability, which are ex-

* The Palatine, together with Bavaria, Mentz, and Cologne, promised to vote for Louis XIV. as emperor in 1658. Pfeffel, Abrégé Chronologique, &c. (Paris, 1776), vol. ii. p. 360. A more authentic and very curious account of this extraordinary negotiation, extracted from the French archives, is published by Lemontey (Monarchie de Louis XIV. Pièces Justificatives, No. 2.), by which it appears that the Elector of Mentz betrayed Mazarin, who had distributed immense bribes to him and his fellows.

tinguished under the quieter and more fatally lasting domination of a single master. The Emperor Leopold I., instigated by the Jesuits, of which order he was a lay member, rivalled and anticipated Louis XIV.* in his cruel persecution of the Hungarian Protestants, and thereby drove the nation to such despair that they sought refuge in the aid of the common enemy of the Christian name. Encouraged by their revolt, and stimulated by the continued intrigues of the Court of Versailles†, the Turks at length invaded Austria with a mighty army, and would have mastered the capital of the most noble of Christian sovereigns, had not the siege of Vienna been raised, after a duration of two months, by John Sobieski, King of Poland, — the heroic chief of a people whom in less than a century the House of Austria contributed to blot out of the map of nations. While these dangers impended over the Austrian monarchy, Louis had been preparing to deprive it of the Imperial sceptre, which in his own hands would have proved no bauble. By secret treaties, to which the Elector of Bavaria had been tempted to agree, in 1670, by the prospect of matrimonial alliance with the House of France, and which were imposed on the Electors of Brandenburgh and Saxony in 1679, after the humiliation of Europe at Nimeguen, these princes had agreed to vote for Louis in case of the death of the Emperor Leopold, — an event which his infirm health had given frequent occasion to expect. The four Rhenish electors espe-

* He banished the Protestant clergy, of whom 250, originally condemned to be stoned or burnt to death, but having, under pretence probably of humanity, been sold to the Spaniards, were redeemed from the condition of galley slaves by the illustrious De Ruyter, after his victory over the French, on the coast of Sicily. Coxe, House of Austria, chap. 66.

† Sir William Trumbull, ambassador at Constantinople from August 1687 to July 1691, names French agents employed in fomenting the Hungarian rebellion, and negotiating with the vizier. Downshire MSS.

cially after the usurpation of Strasburgh and Luxemburgh, were already in his net.

At home the vanquished party, whose antipathy to the House of Orange had been exasperated by the cruel fate of De Witt, sacrificed the care of the national independence to jealousy of the Stadtholderian princes, and carried their devotedness to France to an excess which there was nothing in the example of their justly revered leader to warrant.* They had obliged the Prince of Orange to accede to the unequal conditions of Nimeguen; they had prevented him from making military preparations absolutely required by safety; and they had compelled him to submit to that truce for twenty years which left the entrances of Flanders, Germany, and Italy in the hands of France. They had concerted all measures of domestic opposition with the French minister at the Hague; and, though there is no reason to believe that the opulent and creditable chiefs of the party, if they had received French money at all, would have deigned to employ it for any other than what they had unhappily been misled to regard as a public purpose, there is the fullest evidence of the employment of bribes to make known at Versailles the most secret counsels of the commonwealth.† Amsterdam had raised troops for her own defence, declaring her determination not to contribute towards the hostilities which the measures of the general government might occasion, and had entered into a secret correspondence with France.

* The speed and joy with which he and Temple concluded the Triple Alliance seem, indeed, to prove the contrary. That treaty, so quickly concluded by two wise, accomplished, and, above all, honest men, is perhaps unparalleled in diplomatic transactions. "*Nulla dies unquam memori vos eximet ævo.*"

† D'Avaux, Négociations en Hollande (Paris, 1754), vol. i. pp. 13. 23. 25. &c., — examples of treachery, in some of which the secret was known only to three persons. Sometimes copies of orders were obtained from the prince's private repositories: vol. ii. p. 53.

Friesland and Groningen had recalled their troops from the common defence, and bound themselves by a secret convention with Amsterdam, to act in concert with that potent and mutinous city. The provinces of Guelderland, Overyssell, Utrecht, and Zealand, adhered, indeed, to the prince, and he still preserved a majority in the States of Holland; but this majority consisted only of the order of nobles and of the deputies of inconsiderable towns. Fagel, his wise and faithful minister, appeared to be in danger of destruction at the hands of the Republicans, who abhorred him as a deserter. But Heinsius, pensionary of Delft, probably the ablest man of that party, having, on a mission to Versailles, seen the effects of the civil and religious policy of Louis XIV., and considering consistency as dependent, not on names, but on principles, thought it the duty of a friend of liberty also to join the party most opposed to that monarch's designs. So trembling was the ascendant of the prince in Holland, that the accession of individuals was, from their situation or ability, of great importance to him. His cousin, the Stadtholder of Friesland, was gradually gained over; and Conrad Van Benningen, one of the chiefs of Amsterdam, an able, accomplished, and disinterested republican, fickle from over-refinement, and betrayed into French counsels by jealousy of the House of Orange, as soon as he caught a glimpse of the abyss into which his country was about to fall, recoiled from the brink. Thus did the very country where the Prince of Orange held sway, fluctuate between him and Louis; insomuch, indeed, that if that monarch had observed any measure in his cruelty towards French Protestants, it might have been impossible, till it was too late, to turn the force of Holland against him.

But the weakest point in the defences of European independence, was England. It was not, indeed, like the continental states, either attacked by other enemies, or weakened by foreign influence, or dwindling from

inward decay. The throne was filled by a traitor; a creature of the common enemy commanded this important post: for a quarter of a century Charles had connived at the conquests of Louis. During the last ten years of his reign he received a secret pension; but when Louis became desirous of possessing Luxemburgh, Charles extorted an additional bribe for connivance at that new act of rapine.* After he had sold the fortress, he proposed himself to Spain as arbitrator in the dispute regarding it†; and so notorious was his perfidy, that the Spanish ministers at Paris did not scruple to justify their refusal to his ambassador, by telling him, "that they refused because they had no mind to part with Luxemburgh, which they knew was to be sacrificed if they accepted the offer."‡

* "My lord Hyde (Rochester) ne m'a pas caché que si son avis est suivi le roi s'en entrera dans un concert secret pour avoir à V. M. la ville de Luxemburgh." Barillon to Louis, 7th Nov. 1681.

† The same to the same, 15th Dec.

‡ Lord Preston to Secretary Jenkins, Paris, 16th Dec. 1682. Admitted within the domestic differences of England, Louis had not scrupled to make advances to the enemies of the Court; and they, desirous of detaching their own sovereign from France, and of thus depriving him of the most effectual ally in his project for rendering himself absolute, had reprehensibly accepted the aid of Louis in counteracting a policy which they had good reason to dread. They considered this dangerous understanding as allowable for the purpose of satisfying their party, that in opposing Charles they would not have to apprehend the power of Louis, and disposing the King of France to spare the English constitution, as some curb on the irresolution and inconstancy of his royal dependent To destroy confidence between the Courts seemed to be an object so important, as to warrant the use of ambiguous means: and the usual sophistry, by which men who are not depraved excuse to themselves great breaches of morality, could not be wanting. They could easily persuade themselves that they could stop when they pleased, and that the example could not be dangerous in a case where the danger was too great not to be of very rare occurrence. Some of them are said by Barillon to have so far copied their prince as to have

William's connection with the House of Stuart was sometimes employed by France to strengthen the jealous antipathy of the Republicans against him; while on other occasions he was himself obliged to profess a reliance on that connection which he did not feel, in order to gain an appearance of strength. As the Dutch Republicans were prompted to thwart his measures by a misapplied zeal for liberty, so the English Whigs were for a moment compelled to enter into a correspondence with the common enemy by the like motives. But in his peculiar relations with England the imprudent violence of the latter party was as much an obstacle in his way as their alienation or opposition. The interest of Europe required that he should never relinquish the attempt to detach the English Government from the conqueror. The same principle, together with legitimate ambition, prescribed that he should do nothing, either by exciting enemies or estranging friends, which could endanger

received French money, though they are not charged with being, like him, induced by it to adopt any measures at variance with their avowed principles. If we must believe, that in an age of little pecuniary delicacy, when large presents from sovereigns were scarcely deemed dishonourable, and when many princes, and almost all ministers, were in the pay of Louis XIV., the statement may be true, it is due to the haughty temper, not to say to the high principles of Sidney,—it is due, though in a very inferior degree, to the ample fortunes of others of the persons named, also to believe, that the polluted gifts were applied by them to elections and other public interests of the popular party, which there might be a fantastic gratification in promoting by treasures diverted from the use of the Court. These unhappy transactions, which in their full extent require a more critical scrutiny of the original documents than that to which they have been subjected, are not pretended to originate till ten years after the concert of the two Courts, and were relinquished as soon as that concert was resumed. Yet the reproach brought upon the cause of liberty by the infirmity of some men of great soul, and of others of the purest virtue, is, perhaps, the most wholesome admonition pronounced by the warning voice of history against the employment of sinister and equivocal means for the attainment of the best ends.

his own and the princess's right of succession to the crown. It was his obvious policy, therefore, to keep up a good understanding with the popular party, on whom alone he could permanently rely; to give a cautious countenance to their measures of constitutional opposition, and especially to the Bill of Exclusion*,—a more effectual mode of cutting asunder the chains which bound England to the car of Louis, than the proposed limitations on a Catholic successor, which might permanently weaken the defensive force of the monarchy†; and to discourage and stand aloof from all violent counsels,—likely either to embroil the country in such lasting confusion as would altogether disable it for aiding the sinking fortunes of Europe, or, by their immediate suppression, to subject all national interests and feelings to Charles and his brother. As his open declaration against the king or the popular party would have been perhaps equally dangerous to English liberty and European independence, he was averse from those projects which reduced him to so injurious an alternative. Hence his conduct in the case of what is called the "Rye House Plot," in which his confidential correspondence‡ manifests indifference and even dislike to those who were charged with projects of revolt; all

* Burnet, vol. ii. p. 245. Temple, vol. i. p. 355. "My friendship with the prince (says Temple) I could think no crime, considering how little he had ever meddled, to my knowledge, in our domestic concerns since the first heats in parliament, though sensible of their influence on all his nearest concerns at home; the preservation of Flanders from French conquests, and thereby of Holland from absolute dependence on that crown."

† Letters of the Prince to Sir Leoline Jenkins, July 1680—February 1681. Dalrymple, Appendix to Review.

‡ MS. letters from the Prince to Mr. Bentinck, in England, July and August 1683. By the favour of the Duke of Portland, I possess copies of the whole of the prince's correspondence with his friend, from 1677 to 1700; written with the unreserved frankness of warm and pure friendship, in which it is quite manifest that there is nothing concealed.

which might seem unnatural if we did not bear in mind that at the moment of the siege of Vienna he must have looked at England, almost solely, as the only counterpoise of France. His abstinence from English intrigues was at this juncture strengthened by lingering hopes that it was still possible to lure Charles into those unions which he had begun to form against farther encroachment, under the modest and inoffensive name of "Associations to maintain the Treaty of Nimeguen," which were in three years afterwards completed by the League of Augsburgh, and which, in 1689, brought all Europe into the field to check the career of Louis XIV.

The death of Charles II. gave William some hope of an advantageous change in English policy. Many worse men and more tyrannical kings than that prince, few persons of more agreeable qualities and brilliant talents, have been seated on a throne. But his transactions with France probably afford the most remarkable instance of a king with no sense of national honour or of regal independence,—the last vestiges which departing virtue might be expected to leave behind in a royal bosom. More jealousy of dependence on a foreign prince was hoped from the sterner temper of his successor. William accordingly made great efforts and sacrifices to obtain the accession of England to the European cause. He declared his readiness to sacrifice his resentments, and even his personal interests, and to conform his conduct to the pleasure of the king in all things compatible with his religion and with his duty to the republic*;—limitations which must have been considered as pledges of sincerity by him to whom they were otherwise unacceptable. He declared his regret at the appearance of

* D'Avaux, 13th—26th Feb. 1685. The last contains an account of a conversation of William with Fagel, overheard by a person who reported it to D'Avaux. A passage in which D'Avaux shows his belief that the policy of the prince now aimed at gaining James, is suppressed in the printed collection.

opposition to both his uncles, which had arisen only from the necessity of resisting Louis, and he sent M. D'Auverquerque to England to lay his submission before the king. James desired that he should relinquish communication with the Duke of Monmouth*, dismiss the malcontent English officers in

* During these unexpected advances to a renewal of friendship, an incident occurred, which has ever since, in the eyes of many, thrown some shade over the sincerity of William. This was the landing in England of the Duke of Monmouth, with a small number of adherents who had embarked with him at Amsterdam. He had taken refuge in the Spanish Netherlands, and afterwards in Holland, during the preceding year, in consequence of a misunderstanding between him and the ministers of Charles respecting the nature and extent of the confession concerning the reality of the Rye House Plot, published by them in language which he resented as conveying unauthorised imputations on his friends. The Prince and Princess of Orange received him with kindness, from personal friendship, from compassion for his sufferings, and from his connection with the popular and Protestant party in England. The transient shadow of a pretension to the crown did not awaken their jealousy. They were well aware that, whatever complaints might be made by his ministers, Charles himself would not be displeased by kindness shown towards his favourite son. There is, indeed, little doubt that in the last year of his life Charles had been prevailed on by Halifax to consult his ease, as well as his inclination, by the recall of his son, as a counterpoise to the Duke of York, and thus to produce the balance of parties at court, which was one of the darling refinements of that too ingenious statesman. Reports were prevalent that Monmouth had privately visited England, and that he was well pleased with his journey. He was assured by confidential letters, evidently sanctioned by his father, that he should be recalled in February. It appears also that Charles had written with his own hand a letter to the Prince of Orange, beseeching him to treat Monmouth kindly, which D'Auverquerque was directed to lay before James as a satisfactory explanation of whatever might seem suspicious in the unusual honours paid to him. Before he left the Hague the prince and princess approved the draft of a submissive letter to James, which he had laid before them; and they exacted from him a promise that he would engage in no violent enterprises inconsistent with this submission. Despairing of clemency from his uncle, he then appears to have entertained designs of retiring into Sweden, or of serving in the Imperial army against the Turks; and he listened for a moment to the projects of some French Protestants, who proposed that he should

the Dutch army, and adapt his policy to such engagements as the king should see fit to contract with his

put himself at the head of their unfortunate brethren. He himself thought the difficulties of an enterprise against England insuperable; but the importunity of the English and Scotch refugees in Holland induced him to return privately there to be present at their consultations. He found the Scotch exiles, who were proportionately more numerous and of greater distinction, and who felt more bitterly from the bloody tyranny under which their countrymen suffered, impatiently desirous to make an immediate attempt for the delivery of their country. Ferguson, the Nonconformist preacher, either from treachery or from rashness, seconded the impetuosity of his countrymen. Andrew Fletcher, of Saltoun, a man of heroic spirit, and a lover of liberty even to enthusiasm, who had just returned from serving in Hungary, dissuaded his friends from an enterprise which his political sagacity and military experience taught him to consider as hopeless. In assemblies of suffering and angry exiles it was to be expected that rash counsels should prevail; yet Monmouth appears to have resisted them longer than could have been hoped from his judgment or temper. It was not till two months after the death of Charles II. (9th April 1685) that the vigilant D'Avaux intimated his suspicion of a design to land in England. Nor was it till three weeks after that he was able to transmit to his court the particulars of the equipment. It was only then that Skelton, the minister of James, complained of these petty armaments to the President of the States-General and the magistrates of Amsterdam, neither of whom had any authority in the case. They referred him to the Admiralty of Amsterdam, the competent authority in such cases, who, as soon as they were authorised by an order from the States-General proceeded to arrest the vessels freighted by Argyle. But in consequence of a mistake in Skelton's description of their station, their exertions were too late to prevent the sailing of the unfortunate expedition on the 5th of May. The natural delays of a slow and formal government, the jealousy of rival authorities, exasperated by the spirit of party, and the licence shown in such a country to navigation and traffic, are sufficient to account for this short delay. If there was in this case a more than usual indisposition to overstep the formalities of the constitution, or to quicken the slow pace of the administration, it may be well imputed to natural compassion towards the exiles, and to the strong fellow-feeling which arose from agreement in religious opinion, especially with the Scotch. If there were proof even of absolute connivance, it must be ascribed solely to the magistrates and inhabitants of Amsterdam,—the ancient enemies of the House of

neighbours. To the former conditions the prince submitted without reserve: the last, couched in strong language by James to Barillon, hid under more general expressions by the English minister to D'Avaux, but implying in its mildest form an acquiescence in the projects of the conqueror, was probably conveyed to the prince himself in terms capable of being understood as amounting only to an engagement to avoid an interruption of the general peace. In that inoffensive sense it seems to have been accepted by the prince; since the king declared to him that his concessions, which could have reached no farther, were perfectly satisfactory.*

Sidney was sent to Holland, — a choice which seemed to indicate an extraordinary deference for the wishes of the prince, and which was considered in Holland as a decisive mark of good understanding between the two governments. The proud and hostile city of Amsterdam presented an address of congratulation to William on the defeat of Monmouth; and the republican party began to despair of effectual resistance to the power of the stadtholder, now about to be strengthened by the alliance with England. The Dutch ambassadors in London, in spite of the remonstrances of Barillon, succeeded in concluding a treaty for the rewewal of the defensive alliance between England and Holland, which, though represented to Louis as a mere formality, was certainly a step which required little more than that liberal con-

Orange, — who might look with favour on an expedition which might prevent the stadtholder from being strengthened by his connection with the King of England, and who, as we are told by D'Avaux himself, were afterwards filled with consternation when they learned the defeat of Monmouth. We know little with certainty of the particulars of his intercourse with his inexorable uncle, from his capture till his execution, except the compassionate interference of the queen dowager in his behalf; but whatever it was, from the king's conduct immediately after, it tended rather to strengthen than to shake his confidence in the prince.

* James to the Prince of Orange, 6th, 16th, and 17th March. Dalrymple, app. to part i.

struction to which a defensive treaty is always entitled, to convert it into an accession by England to the concert of the other states of Europe, for the preservation of their rights and dominions. The connection between the Dutch and English governments answered alike the immediate purposes of both parties. It overawed the malcontents of Holland, as well as those of England; and James commanded his ministers to signify to the magistrates of Amsterdam, that their support of the stadtholder would be acceptable to his majesty.

William, who, from the peace of Nimeguen, had been the acknowledged chief of the confederacy gradually forming to protect the remains of Europe, had now slowly and silently removed all the obstacles to its formation, except those which arose from the unhappy jealousies of the friends of liberty at home, and the fatal progress towards absolute monarchy in England. Good sense, which, in so high a degree as his, is one of the rarest of human endowments, had full scope for its exercise in a mind seldom invaded by the disturbing passions of fear and anger. With all his determined firmness, no man was ever more solicitous not to provoke or keep up needless enmity. It is no wonder that he should have been influenced by this principle in his dealings with Charles and James, for there are traces of it even in his rare and transient intercourse with Louis XIV. He caused it to be intimated to him "that he was ambitious of being restored to his majesty's favour*;" to which it was haughtily answered, "that when *such a disposition was shown in his conduct*, the king would see what was to be done." Yet D'Avaux believed that the prince really desired to avoid the enmity of Louis, as far as was compatible with his duties to Holland and his interests in England. In a conversation with Gourville†, which affords one of the most characteristic specimens of intercourse between a practised

* D'Avaux, vol. i. p. 5.

† Gourville, vol. ii. p. 204.

courtier and a man of plain inoffensive temper, when the minister had spoken to him in more soothing language, he professed his warm wish to please the king, and proved his sincerity by adding that he never could neglect the safety of Holland, and that the decrees of re-union, together with other marks of projects of universal monarchy, were formidable obstacles to good understanding. It was probably after one of these attempts that he made the remarkable declaration, — "Since I cannot earn his majesty's favour, I must endeavour to earn his esteem." Nothing but an extraordinary union of wariness with perseverance — two qualities which he possessed in a higher degree, and united in juster proportions, perhaps, than any other man — could have fitted him for that incessant, unwearied, noiseless exertion which alone suited his difficult situation. His mind, naturally dispassionate, became, by degrees, steadfastly and intensely fixed upon the single object of his high calling. Brilliant only on the field of battle; loved by none but a few intimate connections; considerate and circumspect in council; in the execution of his designs bold even to rashness, and inflexible to the verge of obstinacy; he held his onward way with a quiet and even course, which wore down opposition, outlasted the sallies of enthusiasm, and disappointed the subtle contrivances of a refined policy.

END OF THE FIRST VOLUME.

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CLASSIFIED INDEX.

Agriculture and Rural Affairs.

Pages

Bayldon on Valuing Rents, etc. - - 5
Caird's Letters on Agriculture - - - 7
Cecil's Stud Farm - - - - - 7
Loudon's Encyclopædia of Agriculture - 14
,, Self-Instruction for Farmers, etc. 14
,, (Mrs.) Lady's Country Companion 15
Low's Elements of Agriculture - - 15
,, Domesticated Animals - - - 15

Arts, Manufactures, and Architecture.

Bourne's Catechism of the Steam Engine 6
,, On the Screw Propeller - - 6
Brande's Dictionary of Science, etc. - 6
Chevreul on Colour - - - - - 8
Cresy's Encyclo. of Civil Engineering - 8
Eastlake on Oil Painting - - - - 9
Gwilt's Encyclopædia of Architecture - 9
Jameson's Sacred and Legendary Art - 12
,, Commonplace Book - - 12
Loudon's Rural Architecture - - - 14
Moseley's Engineering and Architecture 17
Richardson's Art of Horsemanship - - 19
Steam Engine, by the Artisan Club - 6
Tate on Strength of Materials - - 22
Ure's Dictionary of Arts, etc. - - 24

Biography.

Bunsen's Hippolytus - - - - 6
Chesterton's Autobiography - - - - 8
Cockayne's Marshal Turenne - - - 23
Freeman's Life of Kirby - - - - 12
Haydon's Autobiography, by Taylor - 10
Holcroft's Memoirs - - - - - 23
Holland's (Lord) Memoirs - - - - 10
Lardner's Cabinet Cyclopædia - - 13
Maunder's Biographical Treasury - - 16
Memoir of the Duke of Wellington - 23
,, Lord Peterborough - - 18
Merivale's Memoirs of Cicero - - 16
Russell's Memoirs of Moore - - - 17
,, Life of Lord William Russell - 19
Southey's Life of Wesley - - - - 21
,, Life and Correspondence - 21
Stephen's Ecclesiastical Biography - 22
Taylor's Loyola - - - - - 22
,, Wesley - - - - - 22
Townsend's Eminent Judges - - - 24
Waterton's Autobiography and Essays - 24

Books of General Utility.

Acton's (Eliza) Cookery - - - 5
Black's Treatise on Brewing - - - 6
Cabinet Gazetteer - - - - - 7
,, Lawyer - - - - - 7
Cust's Invalid's Own Book - - - 8
Hints on Etiquette - - - - - 10
Hudson's Executor's Guide - - - 11
,, On Making Wills - - - 11
Lardner's Cabinet Cyclopædia - - - 13
Loudon's Self Instruction - - - 14
,, Lady's Companion - - 15
,, (Mrs.) Amateur Gardener - 15
Maunder's Treasury of Knowledge - 16
,, Biographical Treasury - - 16
,, Scientific Treasury - - 16
,, Treasury of History - - 16
,, Natural History - - - 16
Pocket and the Stud - - - - - 10
Pycroft's English Reading - - - 19
Reece's Medical Guide - - - - 19
Rich's Companion to Latin Dictionary - 19
Riddle's Latin Dictionaries - - - 19
Richardson's Art of Horsemanship - 19
Roget's English Thesaurus - - - 19
Rowton's Debater - - - - - 19
Short Whist - - - - - - 21
Thomson's Interest Tables - - - 22
Traveller's Library - - - - - 23
Webster's Domestic Economy - - 24
Willich's Popular Tables - - - - 24
Wilmot's Abridgment of Blackstone's Commentaries - - - - - 24

Botany and Gardening.

Conversations on Botany - - - - 7
Hooker's British Flora - - - - 11
,, Guide to Kew Gardens - - 11

London: Printed by M. Mason, Ivy Lane, Paternoster Row.

	Pages
Lindley's Introduction to Botany	14
,, Theory of Horticulture	14
Loudon's Hortus Britannicus	14
,, (Mrs.) Amateur Gardener	15
,, Self-Instruction for Gardeners	14
,, Encyclopædia of Trees & Shrubs	14
,, ,, Gardening	14
,, ,, Plants	14
Rivers's Rose Amateur's Guide	19

Chronology.

Blair's Chronological Tables	6
Bunsen's Ancient Egypt	7
Haydn's Beatson's Index	10
Nicolas's Chronology of History	18

Commerce and Mercantile Affairs.

Bewley's Decimal Interest Tables	5
Francis On Life Assurance	9
Lorimer's Letters to a Young Master Mariner	14
M'Culloch's Commerce and Navigation	15
Steel's Shipmaster's Assistant	22
Thomson's Interest Tables	22

Criticism, History, and Memoirs.

Austin's Germany	5
Balfour's Sketches of Literature	6
Belfast's English Poets	6
Blair's Chron. and Historical Tables	6
Bunsen's Ancient Egypt	7
,, Hippolytus	8
Burton's History of Scotland	7
Chalybæus's Modern Speculative Philosophy	7
Conybeare and Howson's St. Paul	8
Eastlake's History of Oil Painting	9
Erskine's History of India	9
Felice's French Protestants	8
Francis's Annals of Life Assurance	9
Gleig's Leipsic Campaign	23
Gurney's Historical Sketches	9
Hamilton's Essays from the Edinburgh Review	10
Haydon's Autobiography, by Taylor	10
Holland's (Lord) Foreign Reminiscences	10
,, Whig Party	10
Jeffrey's (Lord) Contributions	12
Kemble's Anglo-Saxons in England	13
Lardner's Cabinet Cyclopædia	13
Macaulay's Crit. and Hist. Essays	15
,, History of England	15
,, Speeches	15
Mackintosh's Miscellaneous Works	15
,, History of England	15
M'Culloch's Geographical Dictionary	15
Martineau's Church History	16
Maunder's Treasury of History	16
Memoir of the Duke of Wellington	23
Merivale's History of Rome	16
,, Roman Republic	16
Milner's Church History	16
Moore's (Thomas) Memoirs, etc.	17
Mure's Greek Literature	17
Ranke's Ferdinand and Maximilian	23
Rich's Companion to Latin Dictionary	19
Riddle's Latin Dictionaries	19
Rogers's Essays from Edinburgh Review	19
Roget's English Thesaurus	19
Russell's (Lady Rachel) Letters	19
,, Life of Lord William Russell	19
St. John's Indian Archipelago	20
Schmitz's History of Greece	20
Sinclair's Popish Legends	21
Smith's Sacred Annals	21
Southey's The Doctor etc.	22
Stephen's Ecclesiastical Biography	22
,, Lectures on the History of France	22
Sydney Smith's Works	21
,, Lectures on Moral Philosophy	21
Taylor's Loyola	22
,, Wesley	22
Thirlwall's History of Greece	23
Townsend's State Trials	24
Turkey and Christendom	23
Turner's Anglo-Saxons	24
,, Middle Ages	24
,, Sacred History of the World	24
Zumpt's Latin Grammar	24

Geography and Atlases.

Butler's Geography and Atlases	7
Cabinet Gazetteer	7
Hall's Large Library Atlas	10
Hughes's Australian Colonies	23
Johnston's General Gazetteer	13
M'Culloch's Geographical Dictionary	15
Murray's Encyclopædia of Geography	18
Sharp's British Gazetteer	20

Juvenile Books.

Amy Herbert	20
Calling, etc. of a Governess	7
Corner's Children's Sunday Book	8
Earl's Daughter (The)	20
Experience of Life	20
Gertrude	20
Howitt's Boy's Country Book	11
,, (Mary) Children's Year	11
Laneton Parsonage	20
Mrs. Marcet's Conversations	16
Margaret Percival	20
Pycroft's English Reading	19

Medicine and Surgery.

Bull's Hints to Mothers	6
,, Management of Children	6
Copland's Dictionary of Medicine	8
Cust's Invalid's Own Book	8
Holland's Mental Physiology	11
Latham On Diseases of the Heart	12
Little on Treatment of Deformities	14
Moore On Health, Disease, and Remedy	17
Pereira On Food and Diet	18
Reece's Medical Guide	19

Miscellaneous and General Literature.

Austin's Sketches of German Life	5
Calling, etc. of a Governess	7
Carlisle's Lectures and Addresses	23
Chalybæus's Modern Speculative Philosophy	7
Defence of *Eclipse of Faith*	9
Eclipse of Faith	9
Greg's Essays on Political and Social Science	9

	Pages
Haydn's Book of Dignities	10
Hole's Essay on Mechanics' Institutions	10
Holland's Mental Physiology	11
Hooker's Kew Guide	11
Howitt's Rural Life of England	11
,, Visits to Remarkable Places	11
Jameson's Commonplace Book	12
Jeffrey's (Lord) Contributions	12
Loudon's Lady's Country Companion	15
Macaulay's Critical and Historical Essays	15
,, Speeches	15
Mackintosh's (Sir J.) Miscellaneous Works	15
Memoirs of a Maitre d'Armes	23
Maitland's Church in the Catacombs	16
Pascal's Works, by Pearce	16
Pycroft's English Reading	19
Report on Industrial Instruction	11
Rich's Companion to Latin Dictionary	19
Riddle's Latin Dictionaries	19
Rowton's Debater	19
St. John's Nemesis of Power	20
Schoolmaster's Difficulties	20
Seaward's Narrative of his Shipwreck	20
Sir Roger De Coverley	21
Smith's (Rev. Sydney) Works	21
Southey's Common-Place Books	21
,, The Doctor etc.	22
Souvestre's Attic Philosopher	23
,, Confessions of a Working Man	23
Stephen's Essays	22
Stow's Training System	22
Thomson's Outline of the Laws of Thought	22
Townsend's State Trials	24
Willich's Popular Tales	24
Zumpt's Latin Grammar	24

Natural History in General.

Catlow's Popular Conchology	7
Ephemera and Young on the Salmon	9
Gosse's Natural History of Jamaica	9
Kemp's Natural History of Creation	23
Kirby and Spence's Entomology	12
Lee's Elements of Natural History	12
Maunder's Treasury of Natural History	16
Turton's Shells of the British Islands	24
Waterton's Essays on Natural History	24
Youatt's The Dog	24
,, The Horse	24

1-Volume Encyclopædias and Dictionaries.

Blaine's Rural Sports	6
Brande's Science, Literature, and Art	6
Copland's Dictionary of Medicine	8
Crezy's Civil Engineering	8
Gwilt's Architecture	9
Johnston's Geographical Dictionary	12
Loudon's Agriculture	14
,, Rural Architecture	14
,, Gardening	14
,, Plants	14
,, Trees and Shrubs	14
M'Culloch's Geographical Dictionary	15
,, Dictionary of Commerce	15
Murray's Encyclopædia of Geography	18
Sharp's British Gazetteer	20
Ure's Dictionary of Arts, etc.	24
Webster's Domestic Economy	24

Religious and Moral Works.

Amy Herbert	20
Bloomfield's Greek Testament	6
,, Annotations on ditto	6
Calling and Responsibilities of a Governess	7
Calvert's Wife's Manual	7
Conybeare and Howson's St. Paul	8
Corner's Sunday Book	8
Dale's Domestic Liturgy	8
Defence of *Eclipse of Faith*	9
Discipline	9
Earl's Daughter (The)	20
Eclipse of Faith	9
Englishman's Greek Concordance	9
,, Heb. and Chald. Concord.	9
Experience of Life (The)	20
Félice's French Protestants	8
Gertrude	20
Harrison's Light of the Forge	10
Hook's (Dr.) Lectures on Passion Week	11
Horne's Introduction to Scriptures	11
,, Abridgment of ditto	11
Jameson's Sacred Legends	12
,, Monastic Legends	12
,, Legends of the Madonna	12
Jeremy Taylor's Works	12
Kippis's Hymns	12
Laneton Parsonage	20
Letters to My Unknown Friends	14
,, on Happiness	12
Litton's Church of Christ	14
Maitland's Church in the Catacombs	16
Margaret Percival	20
Martineau's Church History	16
Milner's Church of Christ	16
Montgomery's Original Hymns	16
Moore On the Use of the Body	17
,, ,, Soul and Body	17
,, 's Man and his Motives	17
Neale's Closing Scene	18
,, Resting Places of the Just	18
,, Riches that bring no Sorrow	18
,, Risen from the Ranks	18
Newman's (J. H.) Discourses	18
Ranke's Ferdinand and Maximilian	23
Readings for Lent	20
,, Confirmation	20
Robinson's Lexicon to the Greek Testament	19
Saints our Example	20
Self-Denial	20
Sermon on the Mount, illuminated	20
Sinclair's Journey of Life	21
,, Popish Legends	21
Smith's (Sydney) Moral Philosophy	21
,, (G.) Sacred Annals	21
Southey's Life of Wesley	21
Stephen's (Sir J.) Ecclesiastical Biography	21
Taylor's Loyola	22
,, Wesley	22
Thumb Bible (The)	24
Turner's Sacred History	24

Poetry and the Drama.

Arnold's Poems	5
Aikin's (Dr.) British Poets	5
Baillie's (Joanna) Poetical Works	5
Belfast's Lectures on the English Poets	5
Bode's Ballads from Herodotus	6
Calvert's Wife's Manual	7
Flowers and their Kindred Thoughts	18
Goldsmith's Poems, illustrated	9
Kippis's Hymns	12
L. E. L.'s Poetical Works	12
Linwood's Anthologia Oxoniensis	14
Macaulay's Lays of Ancient Rome	15
Montgomery's Poetical Works	17
,, Original Hymns	16

	Pages
Moore's Poetical Works	17
,, Lalla Rookh	17
,, Irish Melodies	17
,, Songs and Ballads	17
Rohr's Poetical Remains	19
Shakspeare, by Bowdler	21
,, 's Sentiments and Similes	11
Southey's Poetical Works	21
,, British Poets	21
Swain's English Melodies	22
,, Letters of Laura D'Auverne	22
Thomson's Seasons, illustrated	22
Thornton's Zohrab	22
Watts's Lyrics of the Heart	24

Political Economy & Statistics.

Banfield's Statistical Companion	5
Caird's Letters on Agriculture	7
Francis on Life Assurance	9
Greg's Essays on Political and Social Science	9
Laing's Notes of a Traveller	12
,, Notes Denmark and the Duchies	12
M'Culloch's Geographical, Statistical, etc. Dictionary	15
,, Dictionary of Commerce	15
,, London	23
,, Statistics of the British Empire	15
Marcet's Political Economy	16
Willich's Popular Tales	24

The Sciences in General and Mathematics.

Bourne's Catechism of the Steam Engine	6
,, on the Screw Propeller	6
Brande's Dictionary of Science, etc.	6
Cresy's Civil Engineering	8
DelaBeche's Geology of Cornwall, etc.	8
,, 's Geological Observer	8
De la Rive's Electricity	8
Faraday's Non-Metallic Elements	9
Herschel's Outlines of Astronomy	10
Holland's Mental Physiology	11
Humboldt's Aspects of Nature	11
,, Cosmos	11
Lardner's Cabinet Cyclopædia	13
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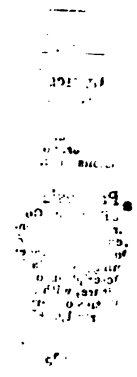

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